the weekly Standard

NOVEMBER 28, 2005

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MELTDOWN IN CONGRESS
FRED BARNES
ROBERT KAGAN & WILLIAM KRISTOL

ALL IN THE FAMILY

Money, mobsters, murder—the sordid tale of a GOP lobbyist's casino deal gone bad

MATTHEW CONTINETTI

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Is there one solution to climate change?

Addressing Climate Change One of the greatest challenges for the 21st century is the increasing temperature of the planet. In the last century, the Earth's surface warmed 0.6°C. The Intergovernmental Panel on Climate Change estimates that temperatures could rise by between 1.4 and 5.8°C by the end of this century. BP's position on this issue is clear. Greenhouse gas levels are rising and the balance of scientific opinion links that rise to the increase in our planet's surface temperatures. As a major provider of energy, we believe we have a responsibility to take a lead in finding and implementing solutions to climate change.

Taking Action BP was the first major energy company to acknowledge that precautionary steps were needed to reduce greenhouse gas emissions. In 1997, we set a companywide emissions target – despite an increasing demand for energy, we sought to achieve a greenhouse gas emission level from our operations that was 10 percent below that of 1990. We reached that target at the end of 2001, nine years ahead of schedule. But finding solutions to a global challenge like climate change requires innovation and new thinking.

New Solutions That's why we are investing $350 million in a program to improve the energy efficiency of our operations and reduce emissions from BP facilities by a further one million tons each year. It's also why we're supporting science and research at Princeton University that could reduce global emissions. And why, at our natural gas facility in Algeria, we're taking CO_2 that would otherwise be released into the air and safely returning it to the natural environment where it came from: a mile underground. This capture and storage project is one of the largest ever undertaken, and we hope to replicate it in other parts of the world, including the U.S.

A Healthy Global Debate BP is working hard on developing a number of technology-based options to reduce greenhouse gas emissions from the use of fossil fuels. We think a portfolio of technologies and public policies will be required. Some of the most intriguing new ideas include market-based policy instruments, such as emissions trading systems. Through "cap and trade" agreements, companies are given allowances to generate specified levels of emissions, along with a clear choice. They must find ways to keep their emissions below a permitted level or purchase additional allowances from another participant in the marketplace. BP was an active participant in forming the European Union's Emissions Trading System earlier this year. Similar options for carbon are being discussed in the U.S., where sulfur dioxide trading has been successfully in place for some time. These proposals deserve close examination and a healthy debate among all stakeholders to develop the most achievable, effective policy responses to climate change. There may not be one answer to the question of climate change. But innovation, fresh thinking and discussion are helping us move closer.

It's a start.

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The Surrender Solution

The December issue of the *Atlantic Monthly* features a "Hypothetical" essay entitled "If America Left Iraq: The case for cutting and running." The author is Nir Rosen, a freelance journalist who over the last year or so has published a series of long, meticulously reported examinations of the Iraqi insurgency in *au courant* journals like the *New Yorker* and the *New York Times Magazine*. Rosen's journalism is noteworthy, the editors of the *Atlantic* inform us, because he "speaks Arabic" and "has spent 16 months in Iraq," mostly "among ordinary Iraqis." That, and he probably has more sources in the insurgency than any other American reporter.

And those sources, incredibly, have led him to the following insight: "If the occupation were to end," Rosen writes, "so, too, would the insurgency." Because, "after all," the "resistance movement" is "resisting" the "occupation." And if there were no "occupation" . . . well, "who would the insurgents fight"? Q.E.D.

Say what you will, this Zen-koan approach to geopolitics struck us as pretty original. Yet it turns out "If America Left Iraq" is merely a shorter, better-edited version of a September 21 "outside view" article Rosen penned for UPI entitled "The Small, Daily Abu Ghraibs." The opinions expressed in this article "are not," Rosen assures, "the ramblings of a leftwing polemicist." And he's right. They are something more sinister.

"I spent about a year and a half in Iraq," Rosen writes, and "it was obvious early on, and continues to be, that the main problem in Iraq, the main obstacle to progress, is the U.S. occupation." Cue ridiculous tautology: "When it ends, attacks against U.S. forces in Iraq will end as well."

What is more, Rosen continues, all of this is "true worldwide as well":

> The American empire will cease to be a target when it ceases to directly or indirectly oppress weaker people. Terrorism—inasmuch as the word has any meaning, but that's another argument—is not a phenomenon or an entity. It is a tool of politics by other means, just like war. . . . In Iraq, America is attacked because it is a brutal occupier, humiliating Iraqis, destroying villages, arresting, beating, and killing countless innocent men, women and children. This is the main cause of the resistance. . . . If America was not occupying Iraq, there would be no resistance.

And so, too, in Israel:

> [In August], a few thousand Jewish fanatics who illegally settled on occupied land in Gaza and went on the occasional pogrom, attacking Palestinians whose land they had settled, were given more attention and sympathy by the American media in a week or two than it has given in five years to the Palestinians whose homes have been destroyed, who are not permitted to live as humans, and who inhabit a giant prison.

Bottom line: "An American withdrawal from Iraq and an Israeli withdrawal from all the occupied territories to the 1967 lines would do more to fight terrorism than any military action ever could." No wonder Rosen has such great access to the Baathists and jihadists who make up the Iraqi insurgency. He's on their side. ♦

Feeling the Cheney Lash

Typically, the headlines last week all had Dick Cheney "Lashing Out" at "Iraq War Critics," as if the hysterics who chant about "Bush lies" are sober critics, and the vice president just can't stand the heat. We prefer to think of Cheney as the critic of those who have been lashing out. And a deft one, too. Here are some of the better lines in his Nov. 16 speech:

"What we're hearing now is some politicians contradicting their own statements and making a play for political advantage in the middle of a war. The saddest part is that our people in uniform have been subjected to these cynical and pernicious falsehoods day in and day out. American soldiers and Marines are out there every day in dangerous conditions and desert temperatures—conducting raids, training Iraqi forces, countering attacks, seizing weapons, and capturing killers—and back home a few opportunists are suggesting they were sent into battle for a lie.

"The president and I cannot prevent certain politicians from losing their memory, or their backbone—but we're not going to sit by and let them rewrite history.

"We're going to continue throwing their own words back at them. And far more important, we're going to continue sending a consistent message to the men and women who are fighting the war on terror in Iraq, Afghanistan, and many other fronts. We can never say enough how much we appreciate them, and how proud they make us.

"They and their families can be certain that this cause is right and just, and the performance of our military has been brave and honorable. And this nation will stand behind our fighting forces with pride and without wavering until the day of victory." ♦

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Fish in a Barrel

Columnist and author James Lileks was in fine form a couple of weeks back at his "ScreedBlog," reviewing the latest issue of the Newspaper Guild's *Reporter.* No one who's ever perused the thing will dispute Lileks's take: "It's horribly written. Those who can, write; those who can't, organize. . . . It's the most joy-killing mag I get."

Lileks homes in on a column called "Human Rights Watch," which "concerned itself with the horrid flaws in American society revealed by Hurricane Katrina:

"According to Merriam-Webster's Dictionary, a refugee is a person seeking asylum in a foreign country in order to escape persecution. Perhaps that's what the people of New Orleans looked like fleeing Hurricane Katrina, but many of them found the label to be highly offensive—yet journalists continued to use it even after this was pointed out.

LILEKS: "Jesus wept. My dictionary defines a refugee as *someone forced to leave his home because of war, persecution, or NATURAL DISASTER.* But if you can imagine the sin here: some journalists used the accurate word even after it had been pointed out that some people found it highly offensive. . . . The author continues:

"Talk about adding insult to injury! The first great injury—after the hurricane itself—was our federal government's slow-motion response, eliciting cries of racism from coast to coast. Rappers accused President Bush of not liking black people, as some of those stranded on rooftops explained they had been unable to evacuate because they had no transportation and none had been provided.

LILEKS: "Mind you, this is a newsletter representing professional writers. Coast-to-coast cries elicited! Rooftop strandees, explaining!

"Although we had been pretending that it did not exist, we saw that poverty was alive and thriving.

LILEKS: "Who's this *we*? Which newspaper in America pretends that poverty does not exist? Is she indicting the journalists? The N'Awlins Times Picayune? Did the author just pick up a paper for the first time in her life, and if so, will we be treated to a column that expresses guarded relief that newspapers have finally gotten around to covering sporting matches?"

As they say in Blogland, read the whole thing (*www.lileks.com/screedblog*). ♦

Dept. of Self-Promotion

When you're ready for a break from Thanksgiving weekend football, Thomas Sowell, the scintillating conservative intellectual at the Hoover Institution, sits down for a rare interview with THE WEEKLY STANDARD'S Fred Barnes. Sowell is iconoclastic, fearless, patriotic, funny. The interview will be broadcast in two half-hour segments on Fox News Channel at 5:30 P.M. EST, Saturday Nov. 26 and Sunday Nov. 27. ♦

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Casual

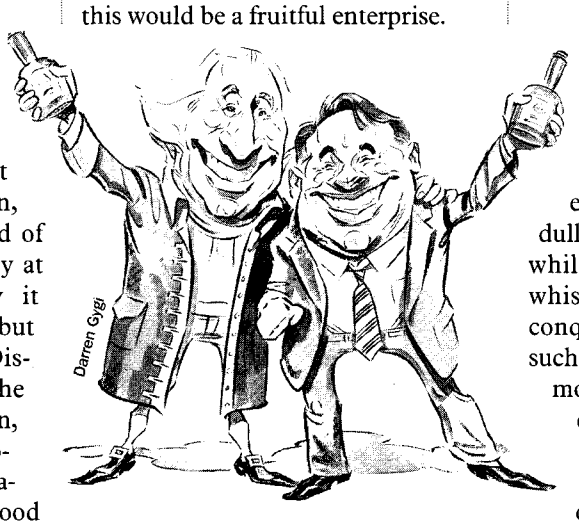
Bourbon Renewal

Over some Oban Scotch recently, a college friend lamented that Americans are averse to the notion of a wet lunch. I recalled the Sam Adams ad in which two guys at a business lunch order water until an enterprising fellow—clearly destined to be a leader—orders a Sam Adams. Then a gray-haired man, whom they all want to impress, orders, saying he'll also have a Sam Adams.

Alas, if the water-drinkers only knew their American history, they would not look upon a midday drink as the mark of an underachiever. It turns out that our nation's foremost statesman, George Washington, was so fond of whiskey that he built a distillery at Mount Vernon. When exactly it ceased to function is hard to say, but it is now back in action. The Distilled Spirits Council and the Mount Vernon Ladies' Association, working with some intrepid historians and archaeologists, have excavated and are rebuilding the good general's old distillery. Best of all, it is being used to make some of the strong stuff as our Founding Father might have drunk it.

So I took a lunchtime trip to Mount Vernon to experience firsthand this historic whiskey. There I got to meet the master distillers of America's 11 major whiskey distilleries. Much as the Indians and Pilgrims of old assembling in harmony to glut their appetites, the men behind the magic at Maker's Mark, Wild Turkey, Jack Daniel's, and other fine whiskeys threw off partisan allegiances to come to Mount Vernon to create a "super whiskey," a blend of their best products, at the site of GW's old distillery.

Whiskey is not of American origin, despite the abundance of distilleries in our country. Wise folk say it was discovered in Ireland and perfected in Scotland. Indeed, Washington's original whiskey was made with the help of a Scots-born Mount Vernon employee. Likely pining for what in the loch-laden glens of his homeland is known as *uisge beatha* (pronounced "iske-bara"), or "water of life," he urged Washington to construct a distillery. The astute general foresaw that this would be a fruitful enterprise.



When the revolutionary war broke out, the Brits blockaded the rum-running routes from the Caribbean sugar plantations to the colonies, forcing Americans to begin distilling their own product. Lacking the sugar cane needed for rum, they used their abundant grain and corn to make whiskey. Soon, it became patriotic to drink whiskey in lieu of rum—a bit like freedom fries instead of French fries. Washington even called for the creation of more "public distilleries" in the states to ensure an appropriate supply, for, as he put it, the effect of liquor "duly distributed daily and mixed with Water at stated times" would be "refreshing and salutary."

Back in the here and now, the "super whiskey" known as "George Washington's Distillery Vatted American Whiskey" was being auctioned off for hurricane relief. My mouth began to water as I watched the distillers, dressed in colonial garb, bottle the precious stuff. Occasionally, the bottlers, in their zest, would spill some of the whiskey, and immediately containers of every sort—tin cups, shot glasses, whatever—appeared at the end of outstretched hands to catch whatever portion they might. I considered using my shoe, but thought better of it. Fortunately, a fellow offered me a sip from his glass. As the whiskey rolled onto my tongue and down my throat, I felt on fire; but it was a comforting heat, awaking the senses as the burn traveled through every vein in my body.

Now, some historians say old George suffered from pain caused by his false teeth, and I imagined him at Mount Vernon, sitting on his veranda, gazing onto the Potomac and enjoying his very own whiskey to dull the pain and lift his spirits. And while the Lord may have made whiskey to prevent the Irish from conquering the world, Americans such as Washington had the virtue of moderation to keep their intake in check. Washington, in fact, often cited "rules of civility" to encourage moderation in demeanor and action.

One of them related to imbibing: "Drink not nor talk with your mouth full neither Gaze about you while you are a Drinking." It would not be meet for one to divert proper attention from the beverage at hand, for, as he noted once, "the benefits arising from moderate use of Liquor, have been experienced in All Armies, and are not to be disputed!!" Though I am sure the Supreme Court could find some way to twist GW's words, his intention seems plain enough. So, during your next hard day of work in this month when we give thanks, take some time to honor our rich heritage by skipping the iced tea and, without gazing about, confidently ordering yourself a glass of the strong stuff.

Joseph Lindsley

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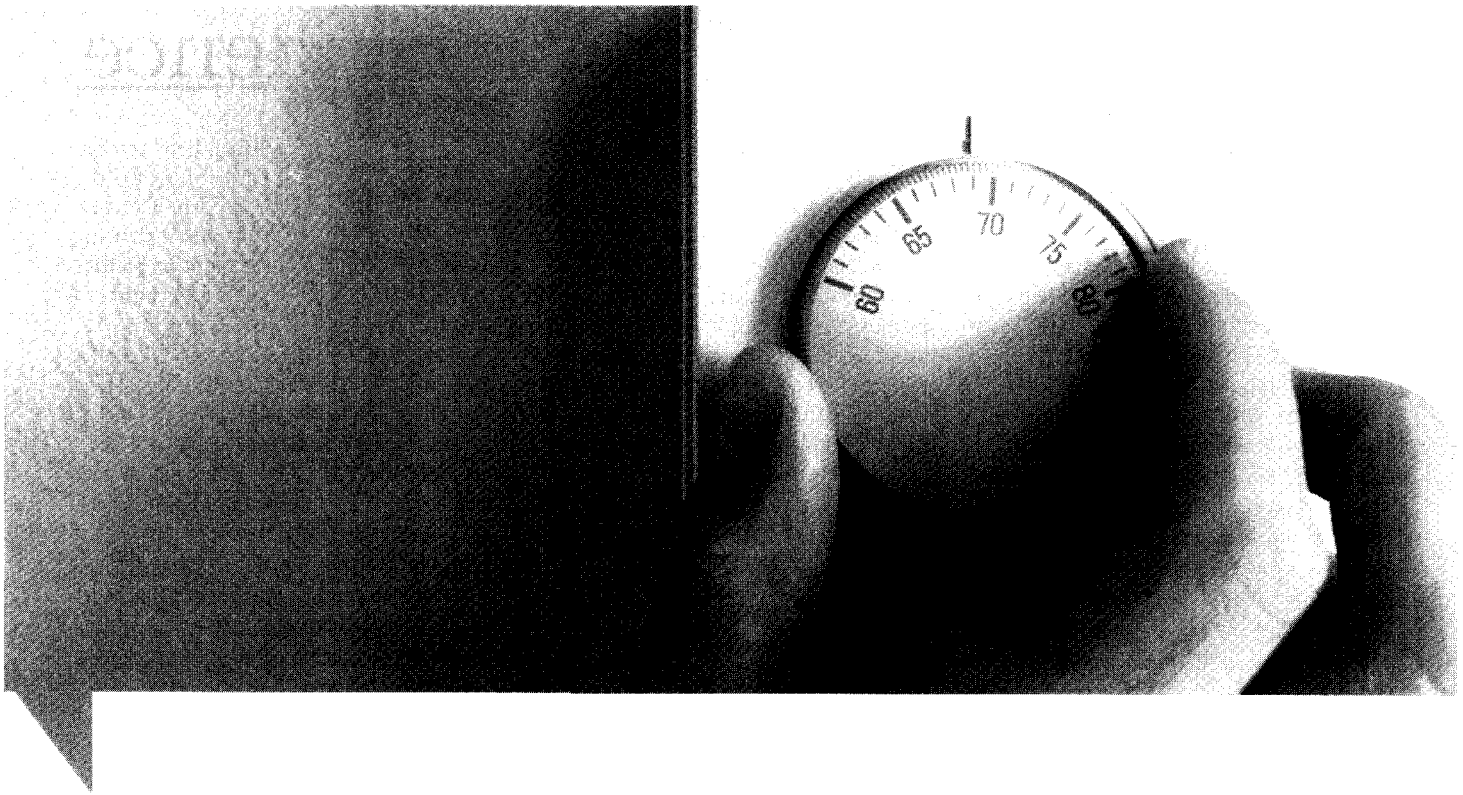

Helping take the chill out of winter heating

With the onset of colder weather, many Americans are understandably concerned about heating their homes this winter.

Lingering effects of the recent hurricanes have disrupted oil and natural gas supplies. At a time of already tight supplies, this presents a significant challenge.

The people of America's oil and natural gas industry are working day and night to supply the natural gas and heating oil necessary to keep homes, schools and businesses warm this winter.

Each of us can help by using energy wisely. Turn down thermostats, seal window and door leaks, clean furnace filters and replace less-efficient furnaces and hot water heaters. For more tips, visit www.api.org.

Government has an important role to play by fully funding the Low-Income Home Energy Assistance Program (LIHEAP) for Americans who need a helping hand. For information on LIHEAP, go to www.liheap.ncat.org.

In the longer term, we need to increase supplies of oil and natural gas by allowing greater production of domestic resources offshore and in the Mountain West and Alaska. Advanced technologies enable us to tap these resources in an environmentally sensitive manner. We need to build more liquefied natural gas (LNG) receiving terminals so we can tap into global supplies to meet our nation's growing demand for this clean-burning fuel.

We are committed to supplying the energy you depend on to keep warm this winter. Working together to use that energy efficiently, we can continue to meet this national and global challenge.

A Message From

America's Oil & Natural Gas Industry

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Join the Club?

I have been worried about the problems Ross Douthat and Reihan Salam address in "The Party of Sam's Club" (Nov. 14) for quite awhile, but I had considerably less to offer anybody by way of solutions. Their suggestions offered welcome relief. More and more I feel impatient with conservatives who are becoming the very thing they're so often accused of being: stick-in-the-mud stasis-lovers. I am not that sort of conservative, and I will not vote for those who are. Libertarianism offers nothing but a romantic dream of neverland, and I certainly will not head over to the "Democratic" party. Here's hoping that you gentlemen are prophetic!

James Wilson
Mesa, Ariz.

Ross Douthat and Reihan Salam are merely recommending a new form of collectivism in "The Party of Sam's Club." Nearly every "proposal" they offer hinges on government taking money from some of us and giving it to others. The logic seems to be that if the GOP comes up with a sufficiently clever approach to such transfers, the electorate will be prosperous and content, and the party will remain in the majority indefinitely.

The reasons the American family has declined over the past few decades are cultural, not economic. While becoming far richer than ever before, Americans have adopted attitudes detrimental to the traditional family and to our society in general.

The authors have the audacity to characterize as "idle rich" those of us who, by working hard all our lives, have saved enough from earned income to live comfortably in our old age. (It would be equally invalid to characterize the vast majority of American children, also living comfortably but unproductively, as "idle rich.") This is a spurious attempt to justify taking money from those who have earned it and giving it to those who have not. The bottom line is that earned wealth is a resource the new collectivists want politicians to tap and use to buy votes.

Complicated rationales for all the proposed "credits for this" and "subsidies for that" do not change the fact that what they recommend is contrary to the principle that has made America the most productive nation on earth: If you

live responsibly and work hard to get ahead, you will be able to enjoy the fruits of your labor.

Walter Staggs
Swan Valley, Mont.

Fight for the Right

William Kristol is absolutely correct ("Fight Back, Mr. President," Nov. 14). The White House and GOP reluctance to confront the wild misstatements of the Democrats is eroding confidence in the Iraq war among both the public and the men and women in Iraq. It is time to set the record straight by proving the fallacy of the "Bush lied" refrain. I am refusing to contribute to the Republicans until they show some courage to fight back. Why is it that the Democrats only seem to fight in politics while the Republicans only fight to defend our country?

Allen V. Bergh
St. Croix Falls, Wisc.

Defining Democracy

James W. Ceaser's portrayal of how religious and nonreligious opponents interact in America, Europe, and the Middle East is an excellent analysis of the present state of affairs ("Faith in Democracy," Nov. 7). Though many in America extol the notion of a "secular democracy," that term is an oxymoron since it does not grant religious and nonreligious citizens equal treatment. For the United States to attempt to establish a secular democracy in Iraq would be a mistake, since the secular Sunni Muslims are in the minority. The United States would be a better example for the world if it were a democracy that allowed the people to include religion in public life.

George A. Kuipers
Pittsford, N.Y.

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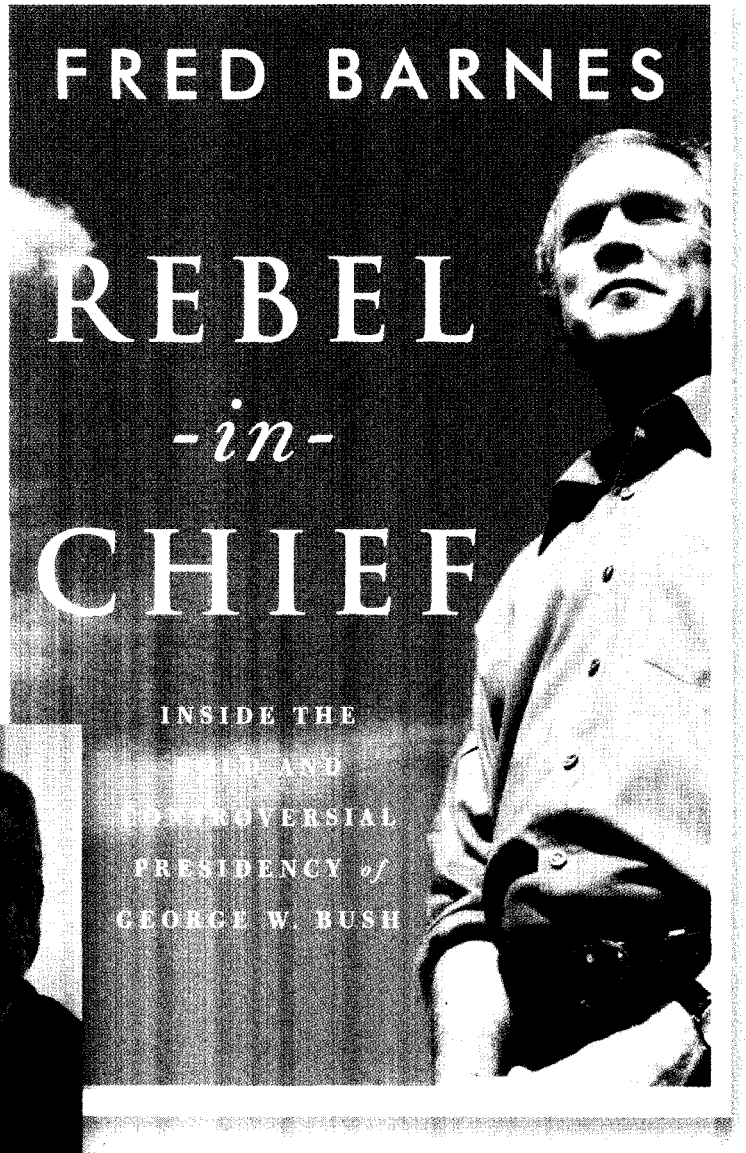

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Fred Barnes

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Feb. 26	Sun.	At Sea
Feb. 27	Mon.	Cabo San Lucas, Mexico
Feb. 28	Tue.	Mazatlan, Mexico
Mar. 1	Wed.	Puerto Vallarta, Mexico
Mar. 2	Thu.	At Sea
Mar. 3	Fri.	At Sea
Mar. 4	Sat.	San Diego, CA

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The American manufacturing sector is under assault.

There is nothing inevitable about this decline. On a level playing field, the U.S. can compete with anyone.

But years of weakening trade laws have made it harder and harder for U.S. factories to remain competitive.

Now, our trade representatives are set for another round of talks at the World Trade Organization in December. If they fail to defend our existing fair trade laws, they could deal a terrible blow to the future of manufacturing in our country.

It's time to stand up and tell the world: yes to fair competition, no to gutting fair trade laws.

Don't Trade Away Our Trade Laws

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the weekly Standard

Abandoning Iraq

Rep. Jack Murtha has had a distinguished congressional career. But his outburst last Thursday was breathtakingly irresponsible. Nowhere in his angry and emotional call for the immediate withdrawal of U.S. troops from Iraq did the Pennsylvania Democrat bother to ask, much less answer, the most serious questions his proposal raises. What would be the likely outcome in Iraq if the United States pulled out? Does Murtha actually believe the Iraqi people could fight the al Qaeda terrorists and Saddam Hussein loyalists by themselves once American forces left? He does not say. In fact, he knows perfectly well that the Iraqi people are not yet capable of defending themselves against the monsters in their midst and that, therefore, a U.S. withdrawal would likely lead to carnage on a scale that would dwarf what is now occurring in Iraq.

But that would be just the beginning. If U.S. troops were withdrawn and the Iraqi people were not able to defeat the terrorists and Saddam loyalists, what would happen? What if Zarqawi and his al Qaeda allies were able to make common cause with the Baathists to turn Iraq into a terrorist state or to provide a haven for terrorists, complete with an oil supply to finance their global activities? And what of Iraq's neighbors, which include Iran, Syria, Turkey, and Saudi Arabia? They would likely decide that they could not afford to let a vacuum develop in Iraq or allow their adversaries to establish a base there. All these nations would contemplate military intervention in Iraq, directly or indirectly through the arming of allies. The possibility of a regional conflict erupting among any or all of these powers could not be excluded. Is this is a tolerable outcome for the United States?

In fact, Murtha does seem to be aware of the disasters that are almost certain to follow the immediate withdrawal he demands. He calls for the creation of "a quick reaction force in the region." He calls for "an over-the-horizon presence of Marines." And he calls for the United States "to diplomatically pursue security and stability in Iraq." We have too much respect for Murtha to believe that he seriously imagines we would be able through diplomacy alone to bring "security and stability" to Iraq. But the question is, when the inevitable disaster unfolded as a result of his proposed withdrawal, what would be his plan for the "quick reaction force" and "over-the-horizon presence" of the Marines? It seems he would have us withdraw our forces, hand a monumental moral, political, and military victory to the terrorists in Iraq and all over the world—only to take us back into war when the inevitable disaster began to unfold.

Murtha, of course, claims that the U.S. occupation is the primary problem in Iraq and that "our troops have become the primary target of the insurgency. They are united against U.S. forces, and we have become a catalyst for violence." This is nonsense. For many months now, the insurgents have been shifting their attacks away from U.S. and coalition forces and directing them at Iraqis instead. Iraqis now make up the overwhelming majority of casualties resulting from insurgent attacks. This shift is evidence not only of the effectiveness of our protective measures, but also of the growing vitality of the Iraqi political process, which the insurgents, according to their own statements, fear and hate more than the U.S. military presence. As for the rise in the number of "incidents" against U.S. forces to which Murtha points, those numbers do not distinguish between incidents initiated by insurgents and those initiated by Americans. Recent U.S. operations have generated a large number of incidents, indeed—almost all of them supporting the coalition's goals and harming the insurgents.

We do not pretend that all is well in Iraq, although things are starting to look a bit better. We agree with Murtha, and have written repeatedly, that the military is stretched thin and needs to be increased. The congressman, however, is in a position to do something about that. We, for one, would support any legislation he offered to increase the size of the Army and the military budget in this time of war.

In 1946, George Orwell remarked that "the quickest way of ending a war is to lose it, and if one finds the prospect of a long war intolerable, it is natural to disbelieve in the possibility of victory." Victory is in fact possible, though it will require a longer war than anyone would like, but not so long a war as to be intolerable. What would be intolerable would be to lose to the terrorists in Iraq. Immediate withdrawal from Iraq is a prescription for catastrophe. Far from extricating ourselves from a crisis, we would have driven ourselves into an even deeper crisis. It is no favor to the members of the armed forces who have served or are serving in Iraq to declare now that all their efforts and sacrifices are in vain. The way to honor their sacrifices is by winning.

—Robert Kagan and William Kristol

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the weekly Standard

Torture Logic

The Senate-approved versions of next year's Defense authorization and appropriations bills each contain an amendment sponsored by Arizona's John McCain that would, as the commonplace newspaper shorthand has it, "make torture illegal" at Pentagon facilities throughout the world. The House-approved versions do not contain such language, and House-Senate conferees have yet to negotiate the final, "reconciled" legislation they will eventually send to the White House. But if either measure still contains the McCain amendment when it reaches his desk, President Bush will apparently cast a veto—his first ever.

It's not entirely clear just why. The White House has been singularly uncommunicative about its objectives.

Could be the administration's objection is grounded in separation-of-powers theory: The Constitution assigns the president alone an unenumerated "executive Power," and specifically designates him the "Commander in Chief of the Army and Navy," so any congressional attempt to regulate the conduct of an ongoing war must be resisted as an encroachment by one branch of government on the prerogatives of another—that kind of thing. Media reports, at any rate, routinely attribute such thinking to Vice President Dick Cheney's office, apparently the *locus delicti* of West Wing opposition to the McCain anti-torture campaign. And the Office of Management and Budget, citing "the Constitution," indicates general concern among the president's "senior advisers" that the amendment in question "would restrict the president's authority to protect Americans effectively from terrorist attack and bring terrorists to justice."

But there's got to be more to it than that, doesn't there? After all, the Constitution simultaneously gives Congress, *not* the president, plenary authority to "make Rules for the Government and Regulation of the land and naval Forces"—rules about interrogation practices presumably among them. And a large body of uniformed-services law has been on the federal statute books since 1775, before the Constitution even existed. If the president's senior advisers are similarly concerned about the Uniform Code of Military Justice, the *Washington Post* has not reported it.

The *Washington Post* has, however, reported, among other things, that Cheney aide David Addington is the brains behind a "White House memo justifying torture of terrorism suspects." And that motive, as well, is more-or-less routinely—and matter-of-factly—advanced as an explanation for the Bush veto threat. It's a baby-with-the-bathwater problem, we're given to understand: "Torture" per se is something the administration is happy to disavow, but what if the McCain amendment's additional prohibition against "cruel, inhuman, or degrading treatment or punishment" winds up interfering with . . . some other useful stuff the Pentagon and CIA are purportedly up to? Or, as Sen. McCain himself has characterized the debate in a recent issue of *Newsweek*, there are

> those Americans who believe that a less rigorous application of [our] values is regrettably necessary to prevail over a uniquely abhorrent and dangerous enemy. . . . Some view more coercive interrogation tactics as something short of torture but worry that they might be subject to challenge under the "no cruel, inhuman or degrading" standard. . . . For instance, there has been considerable press attention to a tactic called "waterboarding," where a prisoner is restrained and blindfolded while an interrogator pours water on his face and into his mouth—causing the prisoner to believe he is being drowned.

Sen. McCain calls waterboarding, too, a form of torture, mind you. But there are "those Americans" who think it should count as something less, he suggests. And, by implication, it is those same Americans who are presently resisting McCain's amendment, so as to preserve the waterboard—and God knows what else—in our government's war-on-terrorism arsenal.

If this is an accurate account of things, as practically the whole rest of the world outside of 1600 Pennsylvania Avenue seems convinced it is, then the administration's position on the McCain amendment is both politically and morally unsustainable, and the president's veto threat is an embarrassment to the entire country.

And yet, we can't help wondering: What makes everybody so sure the situation isn't just a teeny bit more com-

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plicated than that? What, for example, do we suppose the practical, nitty-gritty effect will really be once the McCain amendment has become law and terror-suspect detainees, "regardless of nationality or physical location," begin to enjoy an absolute guarantee against "the cruel, unusual, and inhumane treatment or punishment prohibited by the Fifth, Eighth, and Fourteenth Amendments to the Constitution of the United States"? Does anybody know? Has anybody even *thought* about it?

Will the residents of Abu Ghraib and Guantanamo Bay be entitled to conditions of confinement meeting exactly the same standards federal judges have cumulatively imposed, under the Eighth Amendment, on San Quentin and Leavenworth? Will American intelligence officers questioning captured al Qaeda operatives be required to observe the same constitutional restrictions that would apply were they talking to a drunk-driving arrestee in a stateside suburban jail? In a stateside suburban jail, government abuses sufficient to "shock the conscience"—the Supreme Court's notoriously ambiguous, 53-year-old benchmark—are an impermissible abridgment of Fourteenth Amendment due process. And in Afghanistan, Iraq, and Guantanamo, our consciences have been shocked for quite some time now.

But by what, precisely? Is it the scale and severity of the abuse involved? The United States has detained more than 83,000 foreign citizens at one time or another since September 11, 2001. According to data submitted by the State Department to the U.N. Committee Against Torture in late October, 221 substantiated cases of American abuse or misconduct have resulted from these detentions. There's no reason to assume that all these cases involved a serious injury. But let's assume it anyway, and let's also assume that vast numbers of never-reported abuses should also be charged against our troops—so that the "real" number is 2,210, fully ten times higher. U.S. war-on-terrorism detainees would still have a violent crime victimization rate dramatically lower than that experienced last year by residents of Manhattan's Mid-Town South police precinct, home of the *New York Times*.

More likely, we suspect, the total numbers haven't mattered all that much; it's the sensational *character* of certain high-profile abuse allegations that's caused the most distress. Take "Prisoner 063," for example, who's now been detained at Guantanamo for four-plus years. In late 2002, they made him the subject of a "special interrogation plan," and they treated him pretty rough. He was menaced by dogs, deprived of sleep, segregated from the general detainee population, splashed with water bottles. And—this being the part that *really* seems to get to people—the victim was repeatedly subjected to "gender coercion," in a manner certain to outrage his Muslim piety. On various occasions over a period of three months, female interrogators "invaded the personal space" of this gentleman, looked at him naked, made him wear a bra on his head, and massaged his back and neck in a sexually provocative manner.

Prisoner 063, incidentally, is one Mr. Mohammed al-Qahtani, who, had immigration officials not turned him away from Orlando International Airport on August 4, 2001, would a few weeks later have been the missing fifth hijacker on United Airlines Flight 93. Shortly before 9:30 A.M. on September 11, he'd have been barricaded in the cockpit along with four other al Qaeda operatives and 49-year-old United purser Debbie Welsh. It's said the surviving black box cockpit recorder captures her voice: "Please don't hurt me. Oh, dear God, I don't want to die!" A short while later on the tape there's a "gurgling sound, then silence," as Debbie Welsh's throat is cut and she drowns in her own blood. Mr. al-Qahtani's religious views governing "personal space" and appropriate contact with a female would appear to be a very tricky business, in other words.

Is it really so conscience-shocking that U.S. interrogators failed to respect those views?

There is a lot to be ambivalent about in the current controversy over torture. Better than a presidential veto, or incompletely considered legislation extending the equivalent of constitutional due process rights to murderous foreign enemies like Mohammed al-Qahtani, would be a serious, detailed, public debate about how, exactly, a civilized country is really supposed to deal with such men once it's caught them. We haven't figured it out yet, that much is clear.

—David Tell, for the Editors

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Vietnam Flashbacks

The hottest front in the Iraq war is now in Washington. BY FRED BARNES

MANY HAVE FORGOTTEN how the United States lost in Vietnam, but not former Defense Secretary Melvin Laird. When the last American military unit was withdrawn in 1973, the Viet Cong had been defeated and the North Vietnamese army checkmated. For the next two years, "South Vietnam held its own courageously and respectably against a better-bankrolled enemy," Laird writes in the current *Foreign Affairs*. "Given enough outside resources, South Vietnam was capable of defending itself." Instead, "we grabbed defeat from the jaws of victory [in 1975] when Congress cut off the funding for South Vietnam that had allowed it to continue to fight on its own. . . . Without U.S. funding, South Vietnam was quickly overrun." It was a stunning and unnecessary defeat for America and for a free Vietnam. And the lesson is clear: A war can be won on the ground overseas and lost in Washington.

We are not at that point in Iraq, not yet anyway. Nonetheless, with the events of last week in Washington, plus another in Dubai, the specter of defeat suddenly looms on the horizon. An Iraq that America allows to fall into the hands of Saddamites and jihadists is no longer inconceivable. Winning in Iraq isn't enough. The war must be won in Washington as well.

By themselves, the events are small. A normally hawkish Democratic congressman, John Murtha calls for an immediate withdrawal of American troops from Iraq. The Republican-controlled Senate passes a resolution that says 2006 is the year to begin a "phased redeployment of United States forces from Iraq." Democrats continue their attacks on President Bush for allegedly hyping or falsifying the prewar intelligence on Iraq.

And on top of all that, former President Bill Clinton changes his mind about the liberation of Iraq by military force. Clinton was a strong supporter of the war—but no longer. "Saddam is gone," he said at the American University in Dubai. "It's a good thing. But I don't agree with what was done. It was a big mistake." By "it," Clinton meant the invasion that deposed Saddam Hussein.

Taken together, these events are ominous. They may not represent an irreversible new consensus among the political class toward America's intervention in Iraq. But at a minimum, they suggest that troop removal has superseded victory as the primary American concern. The current shift in attitude is reminiscent of the one that followed the Tet Offensive in 1968, which consisted of Democratic defections, Republican anxiety, and a general loss of confidence in America's ability to prevail in Vietnam. And we know where all that led: directly to the 1975 collapse.

The defection of Clinton may be the most alarming development since he is a bellwether, a reliable reflector of where elite opinion is headed. Just last year, he expressed his support for the "Iraq thing" in strong terms. He explained that the president, post-9/11, had to do everything possible to keep weapons of mass destruction out of the hands of terrorists. Now he's flipped. His wife, Democratic senator Hillary Clinton, may follow.

Murtha's insistence on an immediate pullout of all American troops is significant, if only because he is one of the few Democrats in Congress who has ever been called pro-military or a hawk. His call for withdrawal was more emotional than rational, but definitely sincere. He nearly broke down when talking about the wounded soldiers he's visited.

The Senate resolution represented a serious miscalculation by Republican leaders. They were worried that a Democratic measure, proposed by Sen. Carl Levin of Michigan, would pass with help from a few Republicans. So they concocted, with White House approval, an alternative to appeal to Republican waverers. It undermined the Levin proposal, but it was interpreted by the press as a break with Bush's Iraq policy.

The Levin resolution would have required a timetable for the removal of American troops from Iraq. The Republican alternative has no schedule of withdrawals, but it includes mushy language from the Democratic bill about beginning the pullout of troops from Iraq.

Republican leaders expected the defeat of the Levin resolution to attract media attention. It didn't. On the contrary, the media focused on the Republican measure and reported that it reflected Republican dissatisfaction with Bush. Republican John Warner of Virginia, chairman of the Senate Armed Services Committee, said the resolution reflected public unease over Iraq.

What message did this package of events send to the insurgents in Iraq? Stay the course, the Americans may be going soft again, just as they did in Somalia a decade ago, in Lebanon in the 1980s, and in Vietnam in the 1970s. What other conclusion could the insurgents draw?

This leaves Bush, Vice President Cheney, and the entire administration with a larger task than refuting the trumped-up Democratic charge that they misrepresented intelligence on

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Iraq. They're already off to a good start in knocking down that canard. Now they must quash the idea of Vietnam redux.

Mel Laird, it turns out, isn't the only person who's been thinking about the parallel between Iraq and Vietnam. So has Ayman al-Zawahiri, Osama bin Laden's deputy. In his intercepted email to al Qaeda's man in Iraq, Abu Musab al-Zarqawi, he said, "Things may develop faster than we imagine." He wrote that "the aftermath of the collapse of American power in Vietnam—and how they ran and left their agents—is noteworthy." Indeed, and it is relevant. ♦

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The Truth Is Out There . . .

But too much of it is still classified.

BY STEPHEN F. HAYES

FINALLY. For much of the past week, the White House has been engaged in an aggressive effort to defend the case for war in Iraq. Thus far, it has mainly pointed out the obvious: In the months and years before the invasion, many of those who now accuse the White House of misleading the country to war themselves were making precisely the same claims about the threat from Iraq as the Bush administration.

President George W. Bush accused his critics of "rewriting history." Vice President Dick Cheney called the attacks a low point of his three decades in public life. Defense Secretary Donald Rumsfeld reminded Pentagon reporters of what Clinton administration officials were saying not so long ago. The White House press office distributed point-by-point rebuttals of claims from Democratic partisans. On Thursday, a senior White House official circulated among conservative opinion leaders a devastating eleven-page response to an error-riddled *New York Times* editorial. The White House created a new Iraq-focused rapid response team to monitor and counter the seemingly endless stream of misinformation from political opponents and misreporting from a political press.

The White House has relied on already-public documents—such as the Duelfer Report on Weapons of Mass Destruction, the 9/11 Commission Report, the Robb-Silbermann Report on Iraq Intelligence, and Phase I of the Senate Intelligence Committee Report—to make two points: (1) Bush administration policymakers made claims that were consistent with the consensus views of the U.S. intelligence community, and (2) there is no evidence that Bush administration policymakers "pressured" intelligence analysts to produce these assessments.

That effort was necessary. It is not sufficient.

So what should come next? A massive declassification effort, to include both prewar intelligence assessments provided to policymakers by the U.S. intelligence community, and the numerous documents, photographs, and videotapes recovered in postwar Iraq.

Much of the back-and-forth between the Bush team and its critics concerns the claim that the administration exaggerated or even fabricated intelligence about Iraq. The Bush administration says its public rhetoric was backed up by intelligence assessments; administration critics disagree. The problem with this debate is that we are dependent on these interested parties to describe the underlying intelligence. Why not declassify it all—subject to a scrubbing for sources and methods—and let the public judge for itself?

There is some risk in this. The Bush administration had large chunks of the October 2002 National Intelligence Estimate on Iraq's weapons of mass destruction declassified in July 2004. It pushed for this declassification in part because the National Intelligence Estimate plainly supported the administration's

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prewar claims. But the move backfired. The establishment media—egged on by Democrats in Congress—seemed to be more interested in the dissenting views footnoted throughout the document than the consensus product.

But the alternative isn't attractive either. Two weeks ago, Michigan Democrat Carl Levin released two short excerpts of a much longer DIA assessment from February 2002. The excerpts Levin provided show that DIA analysts in early 2002 raised questions about the credibility of claims made by a senior al Qaeda operative about alleged Iraqi training of al Qaeda terrorists in chemical and biological warfare. That Bush administration officials continued to speak of Iraq-al Qaeda training is evidence, Levin claims, of administration deception.

So what did the rest of the February 2002 DIA document say? We don't know, because Levin declassified only two short passages. What did subsequent DIA analyses say? We don't know. What did CIA analyses say? We don't know. Did all DIA assessments of this al Qaeda operative conclude that his claims were not credible? We don't know. And why did Levin declassify only these two sections of this one document? We don't know.

By declassifying the bulk of prewar intelligence on Iraq, we could get answers to these important questions.

More urgent, however, is the expedited declassification and release of documents and other articles captured in postwar Iraq. The U.S. government possesses millions of pages of documents that taken together will provide intelligence historians—to say nothing of the American public—with an inside view of Saddam Hussein's regime.

Although it's been two-and-a-half years since the fall of the regime, only a fraction of these documents have been translated, reviewed, and catalogued. This work continues in Doha, Qatar, in Baghdad, and at a site in suburban Washington, D.C. But the work progresses slowly. It is a painstaking process, and resources devoted to it have thus far been severely limited.

Recognizing these problems, the chairmen of the House and Senate Intelligence Committees last week sent a letter to John Negroponte, director of national intelligence, requesting the declassification of the Iraqi documents.

"The sheer volume of the materials we have obtained is overwhelming our Intelligence Community's ability to properly categorize and translate the contents, analyze and review the information, verify authenticity and report to users the knowledge generated," wrote Rep. Peter Hoekstra and Sen. Pat Roberts. "We are proposing that you immediately develop a process to, consistent with necessary security guidelines and agreements with our foreign government partners, release these documents to the general public, including posting documents on the world-wide-web in a manner allowing cooperative public review. This would serve to allow the entrepreneurial, linguistic and analytical talents of the general public to dramatically assist the Intelligence Community in understanding the contents of these materials. At a minimum, this public assistance could 'point' the Intelligence Community to the small subset of information that is likely to be of importance."

There are many details to be worked out, but this is a significant development—and will be all the more so if Negroponte accedes to the request. Documents from the Iraqi Intelligence Service, those that would likely have an immediate impact on the current debate in Washington, would be examined before they could be released. But the chairmen expect that most IIS documents would be released as part of this effort.

Hoekstra told the Associated Press that he had seen one document with information on Iraq's relationships with terrorists on chemical and biological weapons, though he noted that he did not know whether the document was authentic.

There are many such documents in a U.S. intelligence database known as HARMONY. One example: Document number *ICSQ-2003-00025586* was captured by the U.S. military during Operation Iraqi Freedom. Here is the synopsis of that document that appears in the database:

> **Category:** *Al Qaida*
> **Title:** *Letters, logbook, training manual from Al Qaida Chemical Plant regarding Chem Warfare*
> **Short Description:** *Contains papers concerning Iraqi officials, prices of equipment, training plans, and actions by high level officers all concerning chemical warfare*
> **Agency:** *DIA*
> **Document Date:** *Feb-02*
> **Document #:** *ICSQ-2003-0002-5586*

What does it mean? I'm not sure. On the one hand, any document under the heading "Al Qaida" that mentions "chem warfare" and "Iraqi officials" is inherently interesting. On the other, we don't know what the document tells us. Just as it is possible that the document reveals Iraqi complicity in al Qaeda's efforts to secure WMD, it is conceivable that the "papers concerning Iraqi officials" include indications that Iraqis rejected al Qaeda overtures for assistance on chemical warfare. Although some HARMONY documents are flagged as being of suspect authenticity, this one is not flagged. Still, it is possible that it is a fabrication and was entered into the database without an assessment of its authenticity.

I can't answer these questions. Someone probably can.

As Sen. Roberts and Rep. Hoekstra push their proposal to declassify the untranslated Iraqi documents, the White House might seek to obtain and release those documents already translated and evaluated.

The document above has been translated. It has been summarized. It has been entered into HARMONY. We'd like to know: Is it authentic, and what else does it say? ♦

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San Francisco to Army: Drop Dead

The perils of the counter recruitment movement.

BY STANLEY KURTZ

HAS SAN FRANCISCO seceded from the United States? The passage on Election Day of Measure I, dubbed "College, Not Combat," would seem almost to amount to that. By a margin of 60 percent to 40 percent, San Francisco's voters told military recruiters to stay out of the city's high schools. Although Measure I is nonbinding, it is a repudiation of a basic obligation of citizenship. Whatever one's views on the Iraq war and the president's policies, we are all under the protection of the U.S. military. Fighting for our foreign policy goals in the public arena is one thing. Making it impossible for our military to recruit is another.

Measure I may be "merely" symbolic, but the statement it makes is in no way trivial. In the simplified language of the ballot, voters were told, "If you vote 'yes,' you want it to be City policy to oppose military recruiters' access to public schools and to consider funding scholarships for education and training that could provide an alternative to military service." And they replied, overwhelmingly, yes, that is what we want.

San Francisco's symbolic rejection of the military deserves to be met with an equally powerful symbolic response. Congress ought to consider a resolution of censure. Clear statements of disapproval by national officials from the area—Minority Leader Nancy Pelosi? Sen. Barbara Boxer? Sen. Dianne Feinstein?—would also be in order.

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Unfortunately, matters are breaking in the opposite direction. Instead of facing up to San Francisco's rejection of its elemental duty to this country, Pelosi tried to turn the debate over Measure I into a debate over Fox News commentator Bill O'Reilly, who called for a cut-off of federal funds to the city, and hinted at the need for a travel boycott. "I was not behind [Measure I] 100 percent," said Pelosi. "But that's not the issue here." Oh, yes, it is.

By a margin of 60 percent to 40 percent, the city's voters told military recruiters to stay out of the city's high schools.

Meanwhile, the problem metastasizes. Far from being an isolated occurrence, San Francisco's approval of "College, Not Combat" is simply the first local success of the national antiwar movement's newest tactic: "counter recruitment." With slogans like, "Don't Die for Recruiters' Lies," and "An Army of None," counter-recruiters aim to stop the war in Iraq by starving our army of troops. In the words of counter recruitment activist April Owen, "When the soldiers are really hurting because there are no new recruits, then we're getting somewhere." The more radical counter-recruiters hope to rid America of its military altogether. But there is a split within the movement—between those who want to stop all fighting immediately, and those who want to use a reduction in the number of volunteers to force a draft. Only a draft, this latter faction believes, will bring the antiwar movement to the peak of success it enjoyed during the Vietnam years.

It's tempting to dismiss the San Francisco-based counter recruitment movement as a motley collection of the usual suspects. It is that, of course. Cindy Sheehan is a prominent supporter of the movement, as are Marxist antiwar groups like ANSWER, Not In Our Name, and the International Socialist Organization. Then there are left-feminists like Code Pink, Ralph Nader's Green party, the gay anti-marriage group, Lesbian and Gay Insurrection, and the Quaker group, the American Friends Service Committee, which is proselytizing public school teachers, school boards, and PTAs across the country in an effort to undermine military recruiting.

Outliers they may all be. But their success in San Francisco should not be gainsaid. The city, by the way, had successfully banned military recruiters from its high schools for a decade prior to passage of the No Child Left Behind Act (NCLBA) in 2001. That act denies federal funds to any school that bans military recruiters. Only because of No Child Left Behind did San Francisco lift its earlier ban on military recruitment, and only because of NCLBA is Measure I strictly symbolic. San Francisco needs those federal funds.

While the ultimate goal of the counter recruitment movement is an outright ban on military presence in the schools, NCLBA has forced activists to turn to more subtle tactics. Counter-recruiters have developed lesson plans, videos, and guides for community activists, all designed to encourage students to "opt out" of military recruitment. "Opting out," in this case, means withholding student contact information from military recruiters.

The No Child Left Behind Act, you see, not only punishes schools that ban recruiters, it also authorizes

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schools to provide recruiters with student contact information. Students can opt to keep their information off of the contact list, however, and the counter-recruiters are trying to ensure that they do. While all schools provide students and their parents with opt-out forms, counter-recruiters are trying to get schools to give those forms more prominence, or even to bundle them with other forms that have to be filled out and returned.

And outright bans on military recruitment may still be achievable. The counter recruitment movement is anxiously awaiting the Supreme Court's upcoming decision on the constitutionality of the Solomon Amendment, a federal law that withholds federal funds from universities that ban military recruiters. If the Court overturns Solomon, legal challenges to the recruitment provisions of the No Child Left Behind Act are sure to follow. That would mean the introduction of "College, Not Combat" measures in left-leaning cities and towns nationally. And this time the recruitment bans would be binding, not merely symbolic. Certainly San Francisco would restore the ban on recruitment that was undone by No Child Left Behind.

Universities like to portray their opposition to the Solomon Amendment as part of a principled defense of gay rights. Supposedly, it would violate universities' nondiscrimination policies to allow the military—with its "don't ask, don't tell" policy—on campus. But the counter recruitment movement's pacifist and antiwar focus makes it clear that gay rights is just cover for a broader hostility to the military and to U.S. foreign policy. Recruiters and ROTC chapters have been banned from some of our finest campuses since Vietnam. The counter recruitment movement is now attempting to export that university ethos to the high school level and to the country at large. It is a serious attack on fundamental American notions about citizenship and deserves a more serious response from elected officials than it has received. ♦

Abraham Lincoln's Thanksgiving

Of Puritans, prayer, and the Capitol dome.

BY DAVID GELERNTER

FOUR THEMES FLOW TOGETHER at one of the most remarkable points in American history—the evening when Abraham Lincoln for the last time proclaimed a national day of thanksgiving. It was April 11, 1865: two days after the Civil War ended with Robert E. Lee's surrender at Appomattox; four days before the president was murdered. Our national Thanksgiving Day is a good time to remember the president who had more to do with the institution of Thanksgiving and the actual practice of thanking God than any other, and to recall his last public speech.

On that misty April evening, the world had a rare glimpse of the symbolism of a powerful prophecy literally fulfilled, if only for a few moments. The brilliant "city on a hill" that the 17th-century Puritan settlers spoke of seemed embodied in Washington, as the capital sprang to life in a blaze of gaslight. The president spoke of the nation's long-sought victory in terms not of triumph but of reconciliation, and of the nation's debt to God.

Some of Lincoln's friends and admirers, recalling that night, remembered the president as if he were Moses looking "into the Promised Land of Peace from the Pisgah summit," as one of them, the journalist Noah Brooks, wrote. Lincoln like Moses stood at the very brink of the promised land he would never enter. (It's hard not to see Lincoln as the greatest religious figure this country has ever produced.)

David Gelernter is a contributing editor to THE WEEKLY STANDARD. *His book on Americanism is due to be published next year by Doubleday.*

Thanksgiving itself is theme number one. In 1621, the Pilgrims celebrated the famous first Thanksgiving at Plymouth. Many other days of thanksgiving were proclaimed by American colonial governments. President George Washington decreed one for the new nation in 1789, and another in 1795. Thanksgiving was celebrated intermittently after that until Lincoln declared a national Thanksgiving Day on the fourth Thursday of November, 1864, and this time the holiday stuck.

Lincoln's devoutness grew throughout his life; when he spoke of God, he never spoke pro forma. In his message proclaiming that November 1864 Thanksgiving, he said that the Lord "has been pleased to animate and inspire our minds and hearts with fortitude, courage and resolution sufficient for the great trial of civil war." And he prayed for the "blessings of Peace, Union and Harmony throughout the land, which it has pleased him to assign as a dwelling-place for ourselves and for our posterity throughout all generations." The Biblical language is typical of Lincoln. Like many Puritan-minded Americans, he thought of his country as a new promised land.

Thanksgiving has been celebrated annually ever since. But the day of thanksgiving Lincoln proposed in his last public speech that final April of his life was a bonus, over and above the annual observance.

***

My second theme is the Capitol dome. When the Civil War broke out in 1861, the enormous iron dome we know today was only partly built.

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Work stopped when the war started. Contemporary photos show a mammoth two-layer wedding cake without the dome that was meant to sit on top, or the cylindrical lantern with the enormous statue of Freedom at the very top.

The English are fascinated by the Houses of Parliament, a great building and brilliant artistic achievement built largely during the 19th century. Americans pay remarkably little attention to the Capitol, a great building and brilliant artistic achievement built largely during the 19th century. Before the great dome and other massive extensions were added, the Capitol Building was decorous and pleasant—vaguely suggesting a Victorian zoo house. Ambitious changes transformed it into one of the world's most majestic structures. No other building has its sheer, commanding presence—without a trace of the pompous, the overbearing, or the domineering.

The new dome was designed by Thomas Ustick Walter; construction began in 1859. When the war started, the construction company paused—and waited—and pondered—and finally continued. The dome was finished at last in 1863; the great statue was placed on top at the end of the year. Many Americans saw the finished dome as a symbol of the North's resolve to win the Civil War.

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On that April night in 1865, Washington was in a mood to celebrate, and the president was expected to speak. "An immense throng of people," writes Noah Brooks, "with bands, banners, and loud huzzahs, poured into the semicircular avenue in front of the Executive Mansion." The president appeared at a second-story window. He prepared to speak. "Cheers upon cheers, wave after wave of applause, rolled up," Brooks writes, "the President patiently standing until it was all over."

Now the third theme enters. Washington was lit up that night. But to understand those lights in the context of American history, we must go back to the ship *Arabella*, flagship of a small fleet carrying John Winthrop and a group of Puritans from England to Massachusetts in 1630. Before disembarking, Winthrop contemplated the future of their settlement in America. He wrote (with the famous Biblical passage in Matthew 5:14 in mind—"Ye are the light of the world. A city that is set on an hill cannot be hid"), "Wee must Consider that wee shall be as a Citty upon a Hill, the eies of all people are upon us." Over the centuries many Americans recalled Winthrop's words. Ronald Reagan was one; he spoke of America as a "shining city on a hill," and used the image to help explain why America must be a beckoning light of freedom, and win the Cold War.

On the night of Lincoln's last speech, the magnificent new dome atop the Capitol atop Capitol Hill was all lit up, and the Capitol building must have seemed (at that promising time of gratitude and peace) like a shining city on a hill. "The night was misty," Brooks writes, "and the exhibition was a splendid one. The reflection of the illuminated dome of the Capitol on the moist air above was remarked as being especially fine; it was seen many miles away. Arlington House, across the river, the old home of Lee, was brilliantly lighted, and rockets and colored lights blazed on the lawn."

The Biblical language is typical of Lincoln. Like many Puritan-minded Americans, he thought of his country as a new promised land.

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And finally there was Lincoln's speech, my fourth theme.

Most of it dealt with the fine print of postwar reconstruction—whether Louisiana, having repented, and ratified the Thirteenth Amendment abolishing slavery, should be allowed back into the Union immediately. Naturally Lincoln said yes. He also said that "in the midst of this"—the city's and the Union's rejoicing—"He, from Whom all blessings flow, must not be forgotten. A call for a national thanksgiving is being prepared, and will be duly promulgated."

And that ended Lincoln's career—as a great American, savior of the Union, liberator of the slaves. Our greatest president, who spoke repeatedly of the nation's duty to thank God.

***

The Union was in a good mood that night and deserved to be; it had fought a terrifically hard war to the finish. Lincoln hated slavery, but led the Northern states into the Civil War strictly to preserve the Union. Public opinion wouldn't have supported a war to end slavery. But as the fighting continued and the casualties mounted, public thinking shifted. In September 1862, Lincoln changed the whole character of the war by issuing the Emancipation Proclamation, freeing all slaves in rebellious parts of the nation. He understood the Proclamation merely as a first step; he intended for all slaves to be freed by constitutional means (which the Thirteenth Amendment accomplished).

We are fighting a different war today. Like the Civil War, it began for reasons of self-interest and self-defense—fair grounds for war. Today we see a larger goal: to liberate Iraq; to fight tyranny and spread democracy. The casualties of Iraq are minute relative to those of the Civil War, though the grief caused by each is just as great; and the Iraq war is proving (like the Civil War) to be longer and harder than we ever imagined. Do we have the resolve and steady purpose and high ideals and guts we had then? Will we celebrate another day of liberation and thanksgiving? Will the Capitol Building remind us once again of a shining city on a hill? ♦

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Money, Mobsters, Murder

The sordid tale of a GOP lobbyist's casino deal gone bad

By Matthew Continetti

Gambling doesn't destroy people. People destroy people. The gentleman or gentlewoman who decides to gamble makes that decision of his own free will. It's a free market industry, and that appeals to conservatives.

—*Michael Scanlon*

At about 8 P.M. on the night of September 26, a homicide detective with the Ft. Lauderdale police department entered the home of Anthony Moscatiello in the Howard Beach section of Queens, New York. Once inside, he placed the 67-year-old "caterer," aka "Big Tony," under arrest. Around 11 P.M., a thousand miles away in North Miami Beach, police stormed the condominium where Anthony Ferrari lived with his wife and two children and took the 48-year-old "security consultant," aka "Little Tony," into custody. And the next morning, in Palm Coast, Florida, police arrested 28-year-old James Fiorillo. Fiorillo, aka "Pudgy," worked at the Builder's First hardware store in Bunnell. "Everybody loves him," Fiorillo's supervisor, Kurt Wright, told the Ft. Lauderdale *Sun-Sentinel*.

Not everybody, it turned out. A few days earlier, a Broward County grand jury had indicted all three men on charges of first degree murder and conspiracy to commit first degree murder. In addition the grand jury had indicted Moscatiello and Ferrari on charges of solicitation of first degree murder. All have pled not guilty. All are in prison, having been denied bond.

The murder in question occurred over four years ago, on February 6, 2001, in downtown Ft. Lauderdale. The victim was Konstantinos "Gus" Boulis, a 51-year-old Greek immigrant who had made a fortune as a restaurateur, real estate developer, and casino operator. Boulis was a legend in South Florida and, in his own way, a pioneer. It was Boulis who in 1994 bought a luxury yacht, turned its interior into a casino, and began to operate "cruises to nowhere" in which passengers would ride the refitted vessels into international waters where Florida state gambling prohibitions did not apply. There, out on the sea, passengers would spend millions at poker and blackjack and slots. Boulis called his fleet of 11 ships the SunCruz Casino line. By the time he sold the company in 2000 SunCruz Casinos was earning tens of millions of dollars in annual profits and employed over 1,000 people. What Boulis probably did not know when he was shot was that those who allegedly plotted and executed his murder were on his company's payroll.

Moscatiello, Ferrari, and Fiorillo are not the only men who have been arrested lately in connection with the SunCruz Casino line. Adam Kidan, the former owner of the Washington, D.C., Dial-a-Mattress franchise and for nine months (September 27, 2000, to July 9, 2001) the president of SunCruz, turned himself in to Ft. Lauderdale police on August 12. The day before, Jack Abramoff, the ex-lobbyist, former movie producer, and for virtually the same nine months (September 27, 2000, to June 22, 2001) the vice president of SunCruz Casinos, had been arrested in Los Angeles. A grand jury had indicted both men on charges of wire fraud and conspiracy to commit wire fraud in their purchase of SunCruz. Kidan and Abramoff are free on bail. Their trial is scheduled to begin on January 9.

And the plot thickens: For over a year now the Washington press corps has followed with much interest the ongoing Justice Department investigation—unrelated to SunCruz—into Abramoff and his associate Michael Scanlon, former press secretary to former House majority leader Tom DeLay. Investigators are looking into potential violations of lobbying-disclosure and tax laws in Abramoff and Scanlon's work for several Indian tribes, which paid them upward of $80 million in lobbying fees, as well as the laundering of that money through tax-exempt foundations and charities. The Justice Department inquiry nabbed its first suspect in September, when David Safavian, the former White House procurement director, was arrested and charged with making false statements and obstructing justice (see my "Scandal Season,"

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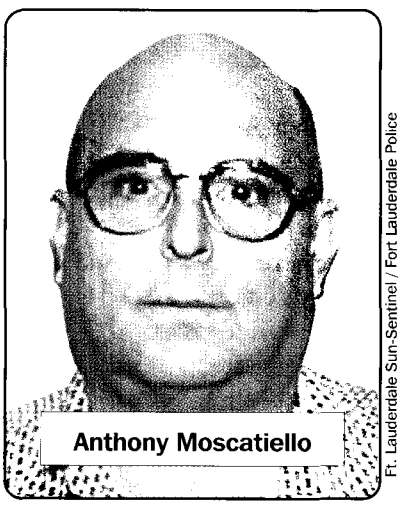
October 10). Last week the Justice Department filed a criminal information against Scanlon charging that he did "knowingly conspire, confederate, and agree with Lobbyist A"—that would be Abramoff— "and with other persons known and unknown to the United States to commit offenses against the United States." Additional arrests are likely. Senator John McCain, chairman of the Indian Affairs committee, is quietly wrapping up his own investigation into Abramoff, and a report from his committee staff is expected early next year. Once McCain concludes his investigation, Iowa Republican senator Charles Grassley's Finance Committee is expected to hold additional hearings on Abramoff's manipulation of the tax code.

Yet little attention has been paid to Abramoff's relationship with Adam Kidan, or to Kidan's relationship with the mob. At first blush this is understandable. Between Boulis's murder in early 2001 and the recent arrests of Moscatiello, Ferrari, and Fiorillo, little was known about the circumstances of the shooting. But it is now clear that Gus Boulis links all these men. He sold SunCruz to Kidan and Abramoff six months before he was murdered. The sale was highly irregular, and afterwards Boulis feuded constantly with Kidan and Abramoff about how the company should be run. Kidan, moreover, had known Anthony Moscatiello, the man allegedly at the center of the conspiracy to murder Boulis, since the early 1990s.


Anthony Moscatiello

Ft. Lauderdale Sun-Sentinel / Fort Lauderdale Police

In fact the story of SunCruz Casinos is less remote from the better-known tale of Abramoff's Washington wheeling and dealing than one might think. There are three chief similarities. Leading players in the Washington saga make cameo appearances *in re* SunCruz (Michael Scanlon, Scanlon's old boss Tom DeLay, and Ohio Republican congressman Bob Ney). In both stories the action unfolds against the backdrop of casino politics. And the moral in both is the same: the blinding allure of money; the black depths of human avarice and greed.

Konstantinos Boulis was born in Kavala, Greece, in 1949. His father was a fisherman, and his family was poor. In 1968 the young Boulis joined the Merchant Marine. It was an escape route. Boulis jumped ship in Nova Scotia that year. He settled in Toronto, where he took a job as a dishwasher at a Mr. Submarine sandwich shop. Within five years he had bought the shop and had become Mr. Submarine's CEO. Eventually, under Boulis's leadership, the chain grew to over 200 stores. The sale of the company in the mid 1970s made Boulis a multimillionaire. He was 25.

In 1978 Boulis moved to Florida. At first he thought he was moving south to retire; but by 1983 he had started to put his fortune to work, buying another sandwich franchise, Miami Subs, and also buying property throughout south Florida, including apartment buildings and hotels and restaurants. Boulis started SunCruz in 1994, and sold Miami Subs—which had grown to over 150 franchises throughout the United States—to Nathan's fast-food company in 1998. The price: $4.2 million. That sum probably seemed like small fry to Boulis, whose net worth then hovered around $40 million. His was, needless to say, a success story, an example of the plasticity of American life—Boulis could reinvent himself at will, from Greek to Canadian to American, from restaurateur to Ft. Lauderdale Donald Trump to casino impresario, rising from dishwasher to powerbroker in a few decades.

But there was a problem. Boulis was not a U.S. citizen. On August 3, 1998, he was indicted on charges of violating the U.S. shipping code, which forbids foreign nationals from owning American commercial vessels. Boulis had clashed with the authorities before. SunCruz boats had been raided by police, who argued that gambling had occurred in Florida waters. And community activists in Hollywood Beach, Florida—midway between Ft. Lauderdale and Miami, where Boulis had a home—had fought the basing of a SunCruz boat in their community. Boulis had won those battles.

Not this time. It took over a year to reach settlement with the government, but Boulis was able to work out a deal in which he would pay a fine, sell his interest in SunCruz, and thereby escape a jail sentence. So that Boulis's selling position would remain uncompromised, the deal with the feds would be kept a secret. It was January 2000. Boulis needed a buyer.

He discussed possibilities with his attorney, Art Dimopoulos. Dimopoulos worked at Preston Gates Ellis & Rouvelas Meeds, a megafirm in Washington, D.C. One day in the winter of 2000, Dimopoulos discussed his client's plight with the firm's star lobbyist, the vice president for government affairs, Jack Abramoff. Abramoff mentioned to Dimopoulos that he might know someone who would be interested in purchasing the casino line.

That person was him. Abramoff had represented Indian gaming interests for some time; why not get in on both ends of the action? After all, casinos held a lot of profit for

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little work, and Abramoff had many contacts in the industry. Besides, his most recent venture, Potomac Outdoor Advertising, a small company that placed ads on Potomac River water taxis, had sunk like a rock. The casino line seemed much more promising.

But there was a catch. Preston Gates ethics rules prevented employees from entering into business deals with entities represented by the firm. SunCruz Casinos was such an entity. Abramoff's solution was to not tell his employer about the deal. Instead he floated the idea to his partners on the water taxi scheme, Adam Kidan and Ben Waldman. Both had known Abramoff since his days as national chairman of the College Republicans, and both were enthusiastic.

So Abramoff got started. He went back to Dimopoulos and told him that Adam Kidan was interested in buying SunCruz. Dimopoulos and Kidan flew to Ft. Lauderdale to meet with Boulis. Though he was not present at this initial meeting, it was always understood that Abramoff would be an equal partner with Kidan. Waldman's share would be minor.

The three began negotiations. They agreed on a price early on: $145 million. This was far more money than Abramoff and his friends could produce. They would have to seek outside financing. Meanwhile, Boulis began making demands of his own. He was behaving like a businessman, not a man under investigation by the U.S. attorney's office. At this, according to Susan Schmidt and James Grimaldi's reporting in the *Washington Post*, Abramoff and Kidan were annoyed. It became necessary for them to pressure Boulis. It became necessary for them to show him that he had the weak hand, they the strong.

One day in March 2000, Michael Scanlon, who had moved on from his job in DeLay's office to a job with Abramoff at Preston Gates, approached Ohio congressman Bob Ney. Would Ney mind inserting some comments into the *Congressional Record*, Scanlon asked? Ney agreed. This is what Ney entered into the *Congressional Record* on March 30, 2000:

> Mr. Speaker, you hear many arguments surrounding the gaming industry in America. Some have merit, some do not. Some criticism is deserved, some is not. Mr. Speaker, before I make my statement today I want to make it abundantly clear that while I am not an ardent proponent of the gaming industry nor an ardent foe of the gaming industry, I am an ardent foe of illegal activity in the gaming industry. Furthermore, I am an ardent supporter of consumer rights and consumer rights is exactly what I intend to discuss today.
>
> At the heart of my comments today is how certain gaming companies treat their patrons and how they conduct business. I believe that the vast majority of casino owners play by the rules, treat their patrons fairly, and provide quality entertainment for individuals and families. I have talked with many of these businessmen over the years who have conducted themselves in such a professional manner. However, there are a few bad apples out there who don't play by the rules and that is just plain wrong.
>
> One such example is the case of Suncruz casinos based out of Florida. Florida authorities, particularly Attorney General Butterworth, have repeatedly reprimanded Suncruz casinos and its owner Gus Boulis for taking illegal bets, not paying out their customers properly and has had to take steps to prevent Suncruz from conducting operations all together. In fact, a few years ago the Broward County Sheriffs Office, under the supervision of Mr. Butterworth, raided Suncruz ships, seizing their equipment.

There was more:

> Mr. Speaker, how Suncruz Casinos and Gus Boulis conduct themselves with regard to Florida laws is very unnerving. But the consumer rights issue is even more disheartening. On December 1, 1998, the Broward County Sheriffs department announced that they had uncovered evidence that dealers on SunCruz ships were "cheating passengers by using incomplete decks of cards." This type of conduct gives the gaming industry a black eye and should not be tolerated.
>
> Mr. Speaker, I want to repeat myself again. The vast majority of casino owners and operators are good honest people, but when an owner or operator stoops to this level to make a buck it hurts the public and it hurts the industry as a whole. I believe we can strike a balance here and our first step is to ensure that the average citizen is not hoodwinked by a dishonest casino operator.

And more:

> There should be clear codes of conduct that are adhered to by every casino owner and operator. On the Ohio River we have gaming interests that run clean operations and provide quality entertainment. I don't want to see the actions of one bad apple in Florida, or anywhere else to affect the business aspect of this industry or hurt any innocent casino patron in our country.
>
> Mr. Speaker, I hope that steps will be taken by the industry, and in the case of lawbreakers by the appropriate authorities, to weed out the bad apples so that we can protect consumers across the country.

One day in early November, I called Rep. Ney's office to discuss how these comments came to be, why an Ohio congressman felt it necessary to comment on a Florida casino, and what, exactly, Ney stood to gain from entering this speech into the record.

Ney's staff declined to speak on the record. They referred me instead to past statements the congressman has made in which he regrets his association with Jack Abramoff and says he has been "duped." Ney's apologists—there aren't many—claim that he did not know Abramoff had anything to do with SunCruz when Scanlon approached the congressman with the prefabricated speech. That it might be questionable for a congressman to enter into the record whatever a lobbyist hands him is a possibility left unmentioned. Congressmen do this all the time, I was told. It's perfectly ordinary.

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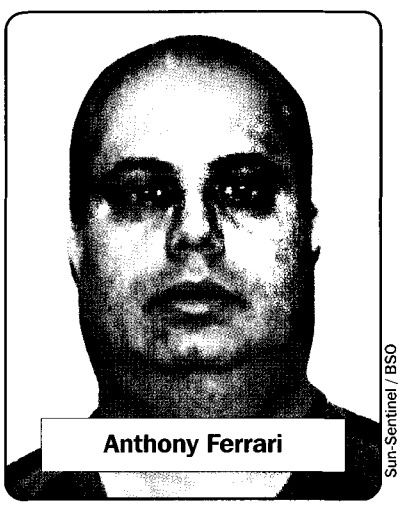
The Ney speech was meant to demonstrate to Boulis both the seriousness with which Abramoff treated the purchase of SunCruz Casinos, and the power of Abramoff's connections in Washington. It seems to have worked on both counts. In June 2000, Abramoff and Kidan—Waldman, it would seem, was more or less passive in the deal—approached Foothill Capital, a lending company based in California, to provide financing. Foothill, in turn, brought in Citadel Equity, another lender based in the Cayman Islands. The parties began to work on a financial arrangement that would allow Abramoff, Kidan, and Waldman to purchase SunCruz without getting into too much debt.

In the meantime, Abramoff continued to use his political connections to gain favor with his new targets, Boulis and Foothill Capital. Congressional records show that on June 9, 2000, six days after House majority whip Tom DeLay returned from a golf junket to Scotland with Abramoff, the whip's office sent an American flag that had flown atop the Capitol to Boulis. Less than a week later, on June 15, Abramoff, Kidan, DeLay's deputy chief of staff Tony Rudy, and Joan Wagner, Boulis's chief financial officer at SunCruz, flew on SunCruz's private jet from Ft. Lauderdale to Pebble Beach, California, to watch the U.S. Open golf tournament. (Rudy never mentioned the trip in his congressional disclosure reports.)


Anthony Ferrari

Sun-Sentinel / BSO

In order to obtain a loan, Abramoff and Kidan would have to meet a certain financial threshold. On June 20, Abramoff faxed a financial statement to Kidan, who by this time had moved to Florida. A month later, on July 25, Kidan sent his own financial statement to Foothill offices in California. According to the indictment filed against Abramoff and Kidan, both statements were riddled with errors. Abramoff said that he was worth $13 million and provided a list of references including California Republican congressman Dana Rohrabacher. ("I don't remember it, but I would certainly have been happy to give [Abramoff] a good recommendation," Rohrabacher told the *Post* last spring. "He's a very honest man.") Kidan said that he was worth $26 million. But Kidan specifically accounted for only about $874,000, and said the rest of his money was in "closely held corporations."

Such errors seem to have been intentional. The indictment alleges that Abramoff and Kidan repeatedly misled representatives from Foothill Capital and Citadel Equity. The indictment specifically mentions an August 8, 2000, meeting in New York City at which Abramoff told the bankers that he was a partner at Preston Gates (he was not) and Kidan claimed to have had experience in running a casino (he had none).

But none of the money lenders knew that. On September 18 there was another meeting in New York. There, Foothill Capital and Citadel Equity agreed to extend a $60 million loan if Abramoff and Kidan put up $23 million of their own money. Everyone seemed pleased at this arrangement. To celebrate, Abramoff, Kidan, and Foothill Capital vice president Greg C. Walker flew to Washington, where they watched the Redskins play the Dallas Cowboys from Abramoff's skybox at FedEx Field in Landover, Maryland. The skybox that night had been reserved for Tom DeLay. Walker later told the *Washington Post* he had met the majority whip at the game. DeLay's office says the congressman doesn't remember the encounter.

Three days later, Abramoff and Kidan signed an Asset Purchase Agreement that outlined, in detail, how they would buy SunCruz for $147.5 million. Here, according to the agreement, is how the deal was supposed to have been structured:

> At the Closing, Buyer shall pay to Seller the amount of Buyer's financing plus Buyer's equity contribution in the sum of Twenty Three Million Dollars ($23,000,000), reduced by Buyer's closing and acquisition costs, by means of a cashier's check or wire transfer . . .

Abramoff and Kidan then put their names to a Loan and Security Agreement containing similar language:

> agent [Foothill Capital] shall have received evidence satisfactory to it that Adam Kidan and Jack Abramoff have made an equity contribution to [SunCruz] in cash in an amount no less than $23,000,000 on terms and pursuant to documentation satisfactory to the lender group.

This was the deal—before Abramoff, Kidan, and Boulis began to alter it.

On September 22, in secret, Abramoff and Kidan convinced Boulis to accept IOUs for $20 million in exchange for a 10 percent interest in the newly reorganized SunCruz Casinos. The deal was doubly illegal: Abramoff and Kidan were violating the terms of their purchase agreement with their financiers, and Boulis was violating the terms of his settlement with the government, which required that he separate himself entirely from his company.

They would have to move quickly to escape detection. According to the indictment, there was a flurry of activity on September 22. That day, Abramoff and Kidan put their names to an "Equity Contribution" document, which

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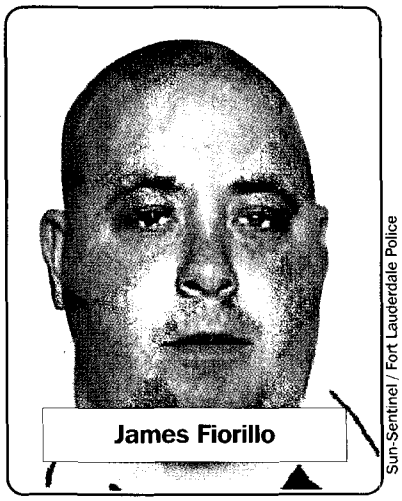
stated, "they have made a cash equity contribution to SunCruz Casinos LLC . . . in an aggregate amount of not less than $23,000,000." They sent a fax containing "closing documents" signed by Abramoff to their lenders' offices in New York. And they couriered the hard copies of these documents to their lenders' offices in New York. Finally, Kidan created two promissory notes, one for $5 million and another for $15 million, and sent them, via fax, to Boulis's representatives in New York.

But there was more work to do. On September 26 Kidan drew up another "closing statement" that read, in part, "CASH FROM BUYERS in the amount of $23,000,000 . . . has been received by the Sellers," which "closing statement" Kidan then faxed to New York City. And which "closing statement," it now appears, was only one part of an elaborate fraud. The next day, according to the indictment of Abramoff and Kidan, "the defendants" forged a document purporting to show evidence of a $23 million wire transfer from an account at Chevy Chase Savings bank in suburban Maryland to Boulis's account at Ocean Bank in Miami Beach, and faxed that forgery to Foothill representatives in Boston. The forgery was titled, clumsily, "Funds Transfer Notification."

But no such transfer occurred. No such funds existed. Nothing had happened—nothing, that is, except the transmission of forgeries and two flimsy IOUs.

Upon receipt of the forged documents, Foothill Capital and Citadel Equity released a $60 million line of credit towards the purchase of SunCruz Casinos. Jack Abramoff was in the casino business.


James Fiorillo

Sun-Sentinel / Fort Lauderdale Police

It is hard to say how much involvement Abramoff had in the day-to-day operations of SunCruz Casinos. We know that he remained in Washington while Kidan moved to Florida. We know that Abramoff and Kidan began to pay themselves salaries of $500,000 a year, that Kidan bought a 30-foot boat and a Mercedes S 500 and moved into a condo for which he paid $4,300 a month. We know that SunCruz quickly hired Michael Scanlon as its "public affairs specialist" and spokesman, and that the company began to pay for Abramoff's $230,000-a-year skybox at FedEx Field. We know that Kidan soon fired many of Boulis's hires, members of the Boulis family and the larger South Florida Greek community who depended on their benefactor's largesse. "We fired his friends, we fired his family, and he wasn't happy with it," Kidan would later tell the Ft. Lauderdale *Sun-Sentinel*.

We know that Boulis and Kidan did not get along. Boulis loudly voiced his opposition to his new partners' way of managing the business, and on October 24, 2000, Boulis wrote a letter demanding those partners pay him the $20 million they had promised. The letter was a flop. Boulis never saw any money.

But he did see, a few days later, the following statement, which Rep. Bob Ney entered into the *Congressional Record* on October 26:

> Mr. Speaker, a few months ago I felt it necessary to speak out against alleged abuses in the gaming industry. I did so not to express disapproval of the gaming industry as a whole but to express my frustration with those in the gaming industry who may unfairly take advantage of their patrons. My earlier statement was related to the previous actions of SunCruz Casino at the time and based on the findings of Florida Attorney General Robert Butterworth and several news reports.
>
> I was concerned that some individuals who participate in gambling for entertainment and recreation can unwittingly fall prey to unethical practices by a few rogue casino owners. I said then and will repeat now that I am not anti-gaming, and I would not call myself pro-gaming either. I do, however, strongly believe in the concept that those who choose to gamble should be able to do so in the establishments of respected gaming interests who treat their customers and their communities fairly.
>
> Given the Attorney General's findings and the record of SunCruz under the previous owner, I did not believe that the casino was operating a fair and responsible establishment.

But things change:

> Since my previous statement, I have come to learn that SunCruz Casino now finds itself under new ownership and, more importantly, that its new owner has a renowned reputation for honesty and integrity. The new owner, Mr. Adam Kidan, is most well known for his successful enterprise, Dial-a-Mattress, but he is also well known as a solid individual and a respected member of his community.
>
> While Mr. Kidan certainly has his hands full in his efforts to clean up SunCruz's reputation, his track record as a businessman and as a citizen leads me to believe that he will easily transform SunCruz from a questionable enterprise to an upstanding establishment that the gaming community can be proud of.
>
> Mr. Speaker, the purpose of my statement is not to criticize or promote the gaming industry or to favor one casino owner over another, but rather stand by the consumers who patronize casinos as a form of entertainment. I believe that every individual who visits a gaming vessel in Florida, should know that they are gaming in an establishment that represents the community well, and gives every individual a fair shot. I hope that all casino owners and operators share

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in this philosophy. I look forward to the positive changes Mr. Kidan is more than capable of bringing to the gaming industry and I hope that others will follow his lead when he brings positive changes to SunCruz.

Once again Michael Scanlon had approached Rep. Ney with a statement that he wanted entered into the *Congressional Record*. And once again Ney had done exactly what Scanlon had asked him to do. And yet at no point did anyone think it necessary to ask: Just *who* is Adam Kidan?

Kidan is 41. He grew up in New York, and went to college at George Washington University in Washington, D.C. He was a young conservative. At GW he joined the College Republicans, and got to know the group's national chairman, Jack Abramoff, who was studying law at Georgetown. The two became friends.

After graduation, Kidan returned to New York, and began taking classes at Brooklyn Law School. He seems to have known exactly what he wanted to do in life: go to school, get good grades, work in politics, make a whole lot of money. He volunteered on George H.W. Bush's presidential campaign, got his law degree in 1989, and took a job as president of the Four Freedoms Foundation, a New York City-based nonprofit or "private sector initiative" meant to "assist Eastern Europe and other democratically emerging nations around the world." The foundation appears to have been a tax shelter disguised as an exercise in conservative benevolence. "Government cannot be expected to bear the financial burden of assisting countries that have chosen to adopt democratic principles," Kidan said in the February 14, 1990, press release announcing the venture. "The private sector must assume some responsibility if these countries are expected to compete in today's world market."

Kidan's association with the foundation was short-lived. In the early 1990s he went into business for himself, starting a chain of bagel joints in ritzy neighborhoods on Long Island. Kidan's partner in the bagel business was one Michael Cavallo, now deceased. In October 2005, NYPD officials told the *Miami Herald* that Cavallo was "an associate" of known gangsters. In all probability one of those known gangsters was Anthony Moscatiello, aka Big Tony, who began to frequent Kidan's bagel shops. "I had advice from him occasionally because I was in the food business," Kidan told lawyers for the Boulis estate in a 2001 deposition. Moscatiello owned a catering company, Gran-Sons Inc., in Queens.

"This is someone I know who has experience in feeding large groups of people," Kidan has said of Moscatiello. In fact some of the large groups of people that Moscatiello had experience feeding were members of the Gambino crime family, including legendary mob boss John Gotti, who would often hire Big Tony to cater family weddings. Moscatiello has a relationship with the Gambinos going back at least two decades. On August 23, 1983, he was indicted on charges of heroin trafficking, along with several others, including Gotti's brother Gene. Gene went to jail. The charges against Moscatiello were dropped. In 1989 the *New York Times* printed excerpts of a phone conversation between Moscatiello and Gotti recorded eight years earlier by the FBI:

GOTTI: Listen, I called your [expletive deleted] house five times yesterday; now if your wife thinks you are a [expletive deleted] dunsky or if she's a [expletive deleted] dunsky and you're gonna disregard my [expletive deleted] phone calls, I'll blow you and that [expletive deleted] house up.

MOSCATIELLO: I never disregard anything you . . .

GOTTI: Well you call your [expletive deleted] wife up and you tell her, or I'll get in the [expletive deleted] car and I'll go over there and I'll [expletive deleted] tell her.

MOSCATIELLO: All right.

GOTTI: This is not a game. I'm not gonna have to reach for you for three days and nights here. My [expletive deleted] time is valuable.

MOSCATIELLO: I know that.

GOTTI: And you get your [expletive deleted] ass down here and see me tomorrow.

Moscatiello said he would be there tomorrow.

GOTTI: Yeah, never mind you'll be there all day tomorrow. And don'ma, [sic] let me have to do this again, cause if I hear anybody else calls you and you respond within five days I'll [expletive deleted] kill you.

It was a stormy friendship. But the two persevered. In 1991 Moscatiello was photographed accompanying Gotti into court.

Kidan denies ever having known about Moscatiello's involvement in organized crime. Whether that is true or not—and it probably isn't—the mob is a recurring motif in Kidan's life.

Consider Kidan's mother, Judy. Remarried to one Samuel "Sami" Shemtov, she lived with her husband in a stately home on Staten Island. Shemtov was a businessman with interests in New York and Miami. He had fought in the Israeli Army. Although Judy didn't know it, a substantial part of his fortune was in pornography and sex shops, including a chain of stores called "Sensations." ("It's very clean, very nice," Shemtov told the *Miami Herald* in 1995.)

One night in February 1993, a Mercury sedan sat outside the Shemtovs' house, the engine running. The driver, Chris Paciello, aka "Binger," aka Christian Ludwigsen, was a low-level associate of the Bonanno crime family. A few

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weeks earlier he had heard from a friend, Joe Eisenberg, who had heard from a former girlfriend, Carol—former wife of Sami Shemtov—that the pornographer kept thousands and perhaps hundreds of thousands of dollars in a safe in his house. Shemtov had not told his second wife about the safe, where he kept the money he had made in his sleaze shops.

Paciello and a few of the boys from his crew wanted to break into the house and find the safe. But the job went horribly awry. While he waited outside, three of Paciello's associates stormed the house. In the chaos that followed, a member of Paciello's gang shot Kidan's mother in the face. She died on the spot. Her murder made the front-page of the New York *Daily News*. The headline: "Death at the Door."

At her funeral at New York City's Temple Emanu-El, according to Michele McPhee's *Mob Over Miami*, Kidan delivered the eulogy:

> My sisters, our stepfather, and I are all completely emotionally distraught by all this. It's getting worse rather than better. It's bad enough losing someone close, but then to lose them in this way, and even worse, not to know why it happened. . . . If there was one aspect of my life that I always relied on to be there for me, it was my mother. She was very happy with Sami. She had a great marriage and great friends. She was never happier.

Shemtov put up a $15,000 reward for information leading to the arrest of his wife's killers. But the killers remained free until 1999. By the time of his arrest, incidentally, Paciello had become semi-famous for co-owning and operating a series of Miami Beach nightclubs with pretentious one-word names like "Liquid" and "Joia." He had dated Madonna and MTV-deejay-turned-model Daisy Fuentes and was once seen with his hands on Jennifer Lopez's behind. He is now in prison.

Within a few months of Judy Shemtov's death, Kidan's bagel business had gone under. He looked for other opportunities. In 1992 he had started to do legal work for Dial-a-Mattress, the famous New York City company that rush delivers bedding to people's homes. The company wanted to expand.

On February 14, 1994, a few months before the Republicans took over Congress, Dial-a-Mattress announced the opening of its first Washington, D.C., franchise—Adam R. Kidan, proprietor. The press release marking the occasion is notable mainly for Kidan's use of exclamation points and lame puns. "I went to school at the George Washington University and always dreamed of coming back to D.C. to work. Now, I'm actually helping other people dream a little easier with a good night's sleep!" Kidan said. "We knew the D.C. area was a great choice. This was a decision we didn't have to sleep on!"

Kidan did his best to become a local celebrity. He cut his own radio advertisements, 30-second-long exercises in commercial sadism in which Kidan would holler at potential customers and repeat, mantra-like, the Dial-a-Mattress slogan: "Leave off the last 'S'—that's for 'Savings'!" He made philanthropic contributions, donating $25,000 in bedding to southern Virginia charities. ("We like to help the shelters as often as we can," he told the *Norfolk Virginian-Pilot*. "We do this on a regular basis.") And he became a fixture of D.C. nightlife. He attended for example the 1995 Bartender's Ball, a charity event noted for its trashiness. A February 7, 1995, *Washington Times* article on the ball reported that Kidan had offered a "great" pickup line—"I can have a mattress here in two hours"—and then told a story about the Clintons: "The Clintons ordered a mattress and then didn't pay us for six months, but things are picking up with the new Congress. We sold 34 new Republican congressmen mattresses, and they all paid on time. Sonny Bono bought four!"

Kidan liked this story so much that he told it to the *Washington Times*'s "Inside the Beltway" columnist John McCaslin two weeks later:

> "A funny thing about the Clintons," [Kidan] disclosed. "The White House told us we could not use their purchasing a mattress from us for press purposes, and we agreed. But when six months went by and I didn't get paid I called the White House and said not only will I tell the press the Clintons bought our mattress, but that we didn't get paid. The next day I got a check."

That this story was in all likelihood apocryphal was beside the point. It satisfied a dual need: Kidan's need for press, and the press's need for stories that made the Clintons look cheap. He reappeared in McCaslin's column on March 14, 1997, peddling another fiction:

> Adam Kidan, the chairman and chief executive officer of Dial-A-Mattress, tells us that the queen-size Serta Perfect Sleeper his company sold to the White House in January 1993 for $549 is obviously holding up well for all the wear and tear.
>
> "When the White House called our 800-number, they told us it was for the Lincoln Bedroom and Mr. Clinton's mom would be sleeping on it," Mr. Kidan reveals.
>
> He quips: Dial-A-Mattress' slogan "has always been 'Leave off the last S, that's for savings,' but maybe it should be changed to 'Leave off the last S, that's for solicitations."

Note the date. There was no Dial-a-Mattress franchise in Washington when the Clintons moved into the White House in 1993.

What may seem like a small error or a little white lie is in fact indicative of a broader truth: Kidan's public demeanor was increasingly at odds with private reality. Behind the press mentions and charity drives, behind the appointments to the Greater Washington Urban League

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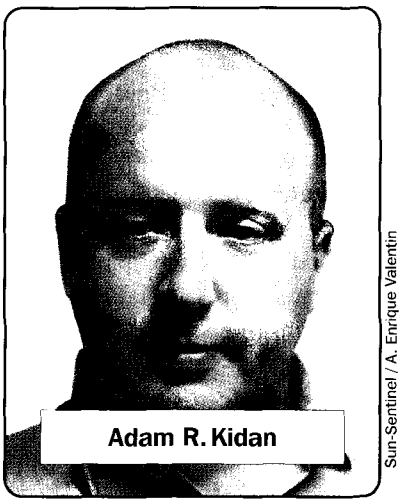
and the D.C. Chamber of Commerce Political Action Committee, behind the radio commercials and the speeches to undergraduates at George Washington and the rose-tinted business projections, by the end of the '90s Kidan was mired in litigation, and his business was at risk.

In 1995 Kidan had filed a 29-count lawsuit against the Dial-a-Mattress franchiser in New York. He lost. In 1995 Kidan had declared personal bankruptcy. In 1999 he was forced to sell his Dial-a-Mattress franchise, and his online mattress company, eMattress.com, collapsed. The same year, Sami Shemtov sued Kidan for stealing $250,000 from a business deal as well as the $15,000 Shemtov had put up as reward money after Judy Shemtov was murdered. Kidan was forced to repay him. In 2000 New York state had Kidan disbarred.

Kidan told people that he had founded Dial-a-Mattress. He had not. Kidan told people that he had been a "principal" in and "general counsel" to the St. Maarten Hotel Beach Club and Casino. No such establishment exists. Kidan told people that he was a "former partner" at the law firm "Duncan, Fish, Bergen & Kidan." I have found no evidence that there was ever such a firm. Kidan told people that his friend Anthony Moscatiello was a graduate of the Culinary Institute of America. Moscatiello was not. Adam Kidan is a bold and unapologetic liar.


Adam R. Kidan

Sun-Sentinel / A. Enrique Valentin

This is the man whom Rep. Bob Ney described as having a "renowned reputation for honesty and integrity."

It is unclear why Foothill Capital and Citadel Equity lent over $60 million to, as the *Washington Post* put it, "someone such as Kidan." It has been reported that Foothill Capital performed a background check on Kidan that confirmed his many failed businesses, lawsuits, and bankruptcies. Why take such a chance? Perhaps Foothill Capital chose instead to focus on Kidan's partners, Abramoff and Waldman. In September 2000 Abramoff was at the height of his power in Washington. Earlier that year he had been the subject of a celebratory front-page profile in the *Wall Street Journal*. Tom DeLay had described him as one of his "dearest friends." His lobbying clients brought his firm millions of dollars in revenue.

Waldman also must have seemed a sure bet. Like Kidan, Waldman met Abramoff in College Republicans, but unlike Kidan he went into government. He worked in the Reagan administration at the Department of Housing and Urban Development and in the West Wing as the head of the Office of Public Liaison. In the mid-'80s he ran some outside nonprofits—the Foundation for the Private Sector, the Reagan-Bush Jewish Coalition—and in the 1988 Republican presidential primaries he flacked for Pat Robertson. After Robertson's candidacy failed Waldman moved to West Virginia. He ran twice—in 1992 and 1994—as the Republican candidate in that state's third congressional district. He lost. After his losses he went into the computer business. He had never worked in a casino.

Last May, Susan Schmidt and James Grimaldi of the *Washington Post* asked Greg Walker, the vice president of Foothill Capital, why he extended the loan to Abramoff, Kidan, and Waldman.

Well, Walker replied, "You'd have to be there at the time."

The SunCruz deal collapsed in the space of a few months. The company was fraught with infighting. By December 2000 Kidan and Boulis were no longer speaking. On December 5 Joan Wagner, Boulis's lieutenant, called a meeting. All the principals attended except Abramoff, who was traveling overseas.

The meeting was a disaster. Witnesses later told police that Kidan began to scream, threatening and insulting Boulis and Wagner. Furious, Boulis assaulted Kidan. Someone called 911. Kidan filed a police report in which he accused Boulis of stabbing him in the neck with a pen.

That night Wagner sent Abramoff an email:

> The crisis at suncruz took on new meaning today with gb [Gus Boulis] and ak [Adam Kidan] getting physical. Money is being wasted and lost and it shouldn't continue. . . . I'm telling you that you must address the issue asap. Your delay is only emboldening Adam and he is really on the edge.
>
> I liked Adam and thought I would be working with all of you to build an empire to be proud of and make us all alot of money too.

At the end of her email Wagner suggested that Abramoff join Boulis and Ben Waldman to vote Kidan out of SunCruz.

Abramoff forwarded Wagner's email to Kidan.

"We need to shut her down," Kidan replied. To which he added: "Jack, you need to act above all of this."

And here we reach something of an impasse. While the Washington investigation into Abramoff and his dealings with Indian tribes has opened a gusher of material to the public—emails, documents, testimony, and so forth—the Florida criminal investigation has not. A few emails have been published here and there. Documents are hard to

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come by. Testimony so far is nonexistent. It is difficult to reconstruct events.

Here is what we know. After the December 5, 2000, meeting Kidan and Abramoff exchanged a flurry of emails. Kidan suggested a "concerted press effort" targeted at Boulis. "I was the victim of family violence before," Kidan wrote. "Let's use that in our favor (my mother wouldn't mind) to show how we can't tolerate violence and the likes of criminals. Let's get the protective order. By painting the picture we box him. The negative is that his profile shows that he will retaliate against me."

Abramoff replied: "I agree with this completely."

Then Abramoff sent an email to Boulis's attorney Anthony Damianakis: "It is my belief that Gus and Adam need to resolve the issue of what Gus is owed and Gus needs to move on out of the company."

Kidan began to behave as though his life were in danger. He obtained the restraining order against Boulis that he had mentioned to Abramoff. He hired bodyguards. He purchased a $180,000 lease on an armor-plated Mercedes. And in his emails to Abramoff, Kidan began to refer to a "friend in NY," who he said was "acting out of concern for my safety." "By sending security I am afraid it will make things worse," Kidan wrote Abramoff, somewhat cryptically. "And I will ask him today to remove them. I appreciate his efforts, but the situation is at a critical point."

Meanwhile, Kidan's media strategy took shape. When he obtained the restraining order against Boulis in January 2001, Kidan made sure to contact Jeff Shields, a reporter at the *Sun Sentinel* covering SunCruz. "This guy is violent—he's sleazy," Kidan said. Later, describing his December 5 fight with Boulis, Kidan would tell Shields, "If someone's going to jump across at me in a business meeting, that's when someone shows they're violent—they don't care. That's when what happened with my mother hits home with me."

Around this time Kidan put Anthony Moscatiello—presumably his "friend in NY"—on the SunCruz payroll. In December 2000 he sent $20,000 in checks to Jennifer Moscatiello, Big Tony's daughter. Between December 13, 2000, and June 8, 2001, Kidan authorized $145,000 in checks to Anthony Moscatiello's daughter and his company Gran-Sons Inc. Also in December 2000 Kidan sent $40,000 in checks to Moon Over Miami Beach, a mysterious company incorporated by one Anthony "Little Tony" Ferrari, who was known around town for bragging that he was John Gotti's "cousin." Ferrari had been arrested several times, most recently in 1999 for attacking a lawyer who had brought suit against his business partners, Frank J. and Thomas L. Pepper. Between December 7, 2000, and March 29, 2001, Kidan authorized $95,000 in checks to Moon Over Miami Beach, which amount does not include the $10,000 in free poker chips Kidan provided Thomas Pepper and three associates on July 5, 2001.

Asked about the checks to Moscatiello in 2001, Kidan said they were for catering and "food and beverage" services that Moscatiello had provided. There is no evidence any such services were provided. Asked about the checks to Anthony Ferrari in 2001, Kidan said they were for security operations. There is no evidence that Kidan's life was ever in danger.

Why did Adam Kidan pay over $200,000 to known mobsters?

The night it happened, February 6, 2001, Boulis had two meetings, one at 5 P.M., the other a few hours later. The first was in Hollywood Beach, where Boulis had a few business properties. This meeting was about acquiring one more. In Hollywood he sat and talked with Joe LaBarca inside LaBarca's restaurant, Ruffy's Restaurant and Marina. LaBarca wanted a buyer; Boulis wanted to bulldoze the restaurant and use the land as a parking lot for a hotel he was hoping to build. Noncommital, Boulis left Ruffy's, right along the water, and drove to Ft. Lauderdale, to an office building he had purchased some time before. There he had his second meeting. It lasted a few hours.

By the time that meeting was over, around 9:15 P.M., night had fallen, and Boulis was ready to go home. He said goodbye to his business associate, left the office, and walked outside to where his BMW was parked. He took out his keys, unlocked the door, and got behind the wheel. He pulled out of the lot and turned south, heading home. It was a cool night, and there was a breeze off Lake Mabel, and Boulis rolled down his window.

A few blocks later, at the corner of Miami and 20th, a car pulled in front of Boulis, so he had to slow down, then stop. The car in front of Boulis didn't budge.

He waited. And as he waited, another car—a black Mustang in the oncoming, northbound traffic—pulled alongside him without stopping or even slowing. The Mustang's driver had opened his window, too. Boulis turned to look at the driver. Whereupon he made the grim discovery that the man in the Mustang was pointing a gun at him, and that raising your hand in front of you is not enough to stop three hollow-tip bullets—the man in the Mustang fired many more, forensic evidence shows—from burrowing deep into your chest.

Suddenly the car in front of Boulis sped away. The black Mustang was gone into the night. Bleeding and barely conscious, Boulis pressed the accelerator, headed south a few blocks, then turned a corner . . . and then, mid-blackout, lost control of his car—spinning across the median

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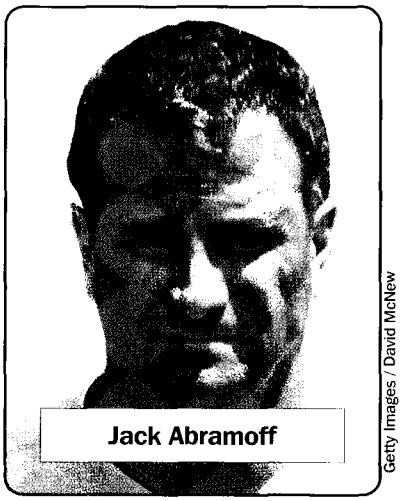
into oncoming traffic, and finally crashing into a tree next to a Burger King.

The first ambulances arrived in minutes. They took Boulis—who, the paramedics determined, was in cardiac arrest—to nearby Broward General Medical Center, where he died on an operating table. It was 10:20 P.M.

At the time of Boulis's death, a small army of government agents and outside litigators were already peeking inside SunCruz's complicated financial structure. About two weeks before the murder, on January 19, a Florida judge had held Boulis in contempt of court for not extricating himself fully from SunCruz Casinos. Also, Boulis was scheduled to testify about his finances in divorce court two days after he died—which testimony would almost certainly have involved detailed answers to questions about Boulis's stake in SunCruz and about the circumstances surrounding the sale to Abramoff and Kidan. The day Boulis was killed, several lawsuits were filed in Florida courts that involved him and Adam Kidan: In one, Kidan accused Boulis of stealing slot machines; in another, one of Boulis's former business partners accused him of cheating so he could sell to Kidan; in another, Boulis accused Kidan of stealing his money and driving SunCruz toward bankruptcy; and in yet another, Kidan accused Boulis of conspiring to kill him.


Jack Abramoff

Getty Images / David McNew

Boulis's death did nothing to slow SunCruz's unraveling. Lawsuits continued to multiply, with the Boulis estate first suing Kidan for ownership of SunCruz, then suing him for conspiring to kill Boulis. On June 22, 2001, SunCruz filed for bankruptcy. Abramoff and Waldman signed over their stake to the Boulis estate, making Boulis's heirs the majority shareholders. Kidan was left with 20 percent. But not for long. On July 9, Kidan cut a deal in which he would give up his stake in exchange for $200,000 and an end to the civil suit against him. Almost as quickly as they had entered the casino industry, Abramoff and Kidan made their exit.

By 2002 the investigation into the murder of Gus Boulis had stalled. "Boulis Slaying Investigation Loses Impetus," read the front-page headline in the *Sun-Sentinel.* The problem was that police had not been able to secure the cooperation of key witnesses. Moscatiello and Ferrari refused to talk to the authorities. Kidan answered questions, but Ft. Lauderdale police told the *Sun-Sentinel* that they felt he had not been "totally candid with us." The police had also scheduled several appointments to talk to Jack Abramoff. Abramoff broke each appointment.

Years passed. Then last summer Abramoff and Kidan were arrested, and things began to look different. Within a week of his arrest police sent Abramoff's attorney a letter requesting his cooperation in the Boulis case. The attorney, Neal Sonnett, told the *Miami Herald* that Abramoff had "always been willing to cooperate." The problem was that the police "never followed through." The story reporting Abramoff's cooperation appeared in the *Miami Herald* on August 17. A little over a month later Moscatiello and his co-defendants were under arrest.

How quickly the ground can shift beneath our feet. In 2000 Jack Abramoff was the capital's best-paid lobbyist. In 2005 he is under indictment on two counts and potentially faces indictment on who knows how many others. In 2000 Tom DeLay was majority whip of the House of Representatives and one of the most feared, respected, and effective conservatives in American history. In 2005 he, too, is under indictment, no longer majority leader, and fighting for his political life. In 2000 Bob Ney was an obscure Ohio congressman. In 2005 he is the first lawmaker to have been subpoenaed in connection with the Justice Department's Abramoff investigation and was forced to return contributions he had received over the years from Adam Kidan. In 2000 Adam Kidan was a not very successful businessman. In 2005 he is a not very successful businessman who, along with Abramoff, faces up to 10 years in jail and a $500,000 fine. In 2000 Anthony Moscatiello and Anthony Ferrari and James Fiorillo were free men. In 2005 they languish in prison.

A decade ago articles written about Jack Abramoff called him one of Washington's "biggest winners" (*National Journal*). Today articles written about Jack Abramoff suggest his exploits are "like an episode of *The Sopranos*" (the *Washington Times*), "straight out of *Goodfellas*" (the *Washington Post*), and could form the plot for a television drama called *Sleaze in the City* (the *American Prospect*). A decade ago Adam Kidan's mother was murdered by small-time mobsters. Today Adam Kidan is connected to the small-time mobsters charged with murdering the accomplice in fraud with whom he violently clashed.

A decade ago Republicans stormed Washington with plans to establish a "new order," shrink government, and drain the swamp of public malfeasance. Today Republicans look warily over the horizon, and nervously await a midterm election in which voters will be asked to evaluate whether the party has lived up to its ideals. ♦

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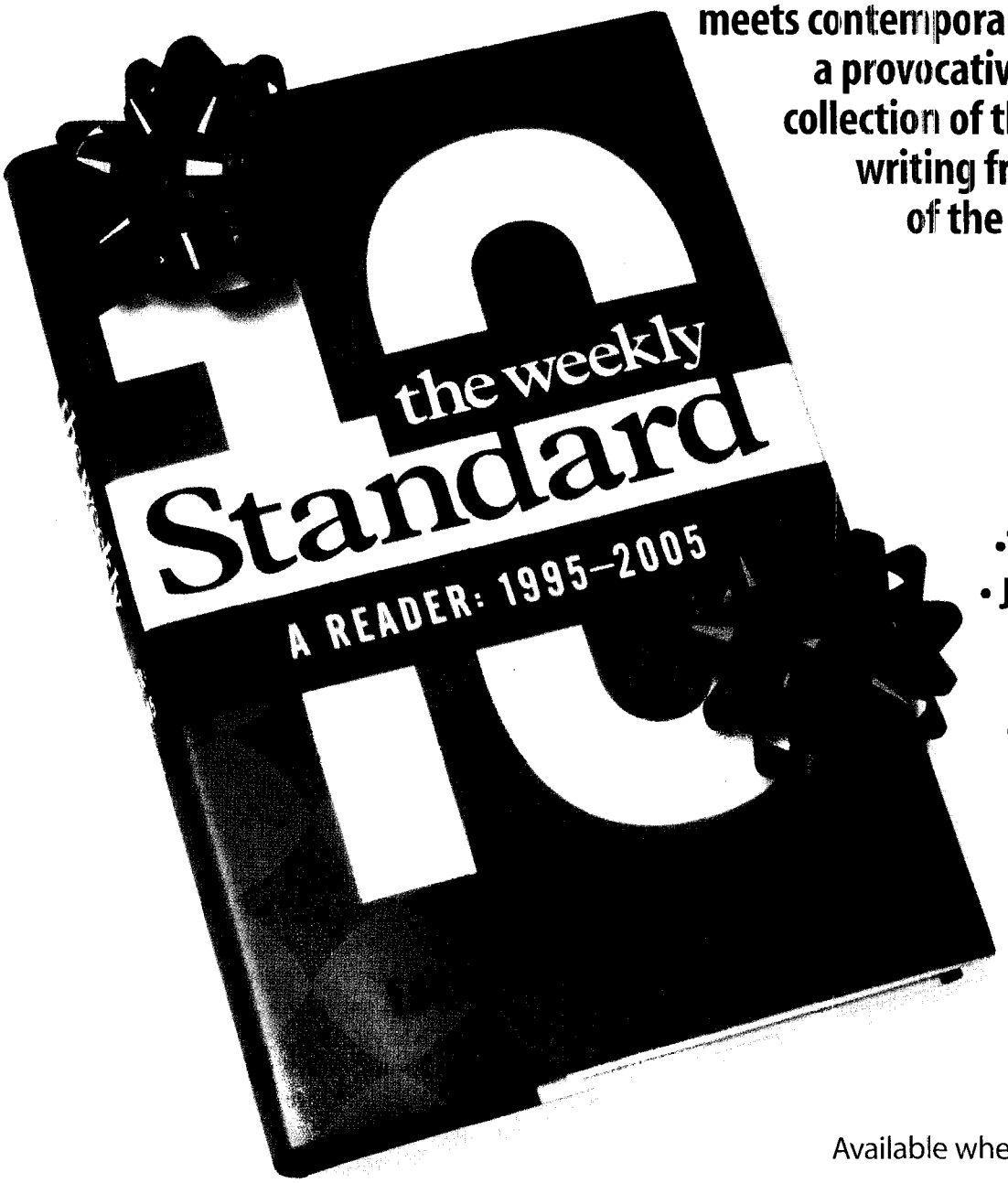

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Church, State, and John Witherspoon

Scholar, Cleric, Philosopher of Independence

By James M. Banner Jr.

Lev Nisnevitch

Statue of John Witherspoon, Washington D.C.

Who might not, these days, feel a kind of sympathy with the secessionist senator Louis T. Wigfall, who declared in 1860 that he was "tired and sick of the Fathers"?

Wigfall uttered his complaint about the presumed knockout blow that any invocation of the nation's Founders was assumed to deliver against opposing views when southerners like himself were putting distance between their states and the Union created in 1776. We can only conjecture how Wigfall would feel today amid the torrent of Founders' hagiographies, most of herniating weight, that have flooded the market. We can only imagine how he would react if asked, as so often we are today, What would Thomas Jefferson have done? How would Alexander Hamilton have handled this issue? But it's a good guess that he would sputter and protest much as he did almost 150 years ago.

Wigfall, of course, couldn't have had our present circumstances in mind, but his exasperation even then hinted at the dangers lurking in too great attention to a few secular saints. When we look to a few great men—however genuinely inspiring their lives were—lesser, but still important, figures of the nation's early years are easily overlooked. And if that's so, the ordinary Americans who built and sustained the nation are often simply ignored or dismissed as irrelevant to the main story. Traditions of thought (like utilitarianism) that haven't triumphed, or local cultures that have been overshadowed or defeated (like that of the native tribes) lose out to triumphalist historiography.

John Witherspoon and the Founding of the American Republic
by Jeffrey H. Morrison
Notre Dame, 220 pp., $22.50

That's more or less what had happened until three or four decades ago, when historians began to excavate the lives and cultures of all sorts of people—children and the aged, women, slaves, African Americans, immigrants, and many others. The historians' case was not that these people had made signal contributions on a level with the Founders; only that the nature, agency, and integrity of their lives and achievements needed to be unearthed and understood before the nation's full history could itself be understood.

In reaction to these historians' largely successful efforts, a compensating reaction of sorts set in. Its most notable element has been the blockbuster biography—about the great white men of revolution and constitution making. This Founders Chic that didn't have a name in Wigfall's day has become a publishing phenomenon and, seeking to benefit from the fashion, publishers and complicitous historians and writers have produced biography after biography of the greatest men of 18th-century America as if they

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were the only figures worthy of our attention.

It's easy to become cynical about those books. Like David McCullough's skilled biography of John Adams, they're often love letters to their subjects, lacking in the critical distance that makes for enduring history. (McCullough is on record as saying that he didn't, as he first intended, write about Jefferson because he came to dislike him. As if we shouldn't write of Stalin or Hitler because they're repugnant!) Like Richard Brookhiser's shrewd study of Hamilton, they're often covert ideological tracts devoid of the balance that would make them fully credible.

Too many are a species of special pleading for their subjects, as if everyone else were somehow inferior in quality or less important. All of them play to our natural interest in the great storybook figures of the textbooks of our youth—the generals like George Washington, the presidents like Jefferson, Adams, and James Madison, and the distinctive characters like Benjamin Franklin who so marvelously peopled the nation's early years.

Nevertheless, long before this storm of overstuffed biographies of the favored few had crashed in around us, historians had been evaluating the lives and achievements of the figures just below these great men in historic estimation and rank, and doing so largely out of the eye of the reading public. Do you wish to know of, say, John Jay? There's Walter Stahr's recent fine study. Of John Marshall? Turn to Kent Newmyer's superb work. Of Gouverneur Morris? There are actually two recent biographies of him. Of Patrick Henry, George Clinton, Robert Livingston, Benjamin Rush? You can learn of them easily, too. But of John Witherspoon? There's virtually nothing about him. And, anyway, who was John Witherspoon?

Had you been alive in the 1770s and '80s, you wouldn't have had to ask that question. Witherspoon's name was in all the public prints and was associated with almost every great enterprise of those distinctive American years. He was, as John Adams termed all who risked their lives, honor, and fortunes in the 18th-century struggle for American liberties, an Argonaut. Witherspoon was aboard the Good Ship American Argosy as it sailed the uncharted and troubled political seas of independence, and he earned the almost universal admiration of his American contemporaries for the way he did so. Jeffrey Morrison's fine intellectual biography of the man—and the first extended study of Witherspoon's political thought ever written—shows us why.

When Scots-born Witherspoon accepted the presidency of the College of New Jersey, now Princeton University, in 1768, he was already a figure of renown throughout the Anglo-American world. Celebrated as a Presbyterian cleric and moral philosopher (a kind of all-points thinker about history, science, ethics, faith, and life), he was a member of the intellectual circles of the Scottish Enlightenment in Edinburgh and Glasgow. As such, he became a noted proponent of the Scottish Common Sense philosophy, which challenged the idealistic thinking of the British divine Bishop George Berkeley and the great American theologian Jonathan Edwards, and instead offered more modern, Lockean and Newtonian, empirical, and pragmatic ways of thinking and believing.

Arriving at the college in New Jersey, Witherspoon soon cleansed it of its philosophical idealism and set in motion a broad civic and moral education of hundreds of young men who passed through Nassau Hall for the next 25 years. No student of Witherspoon's was to become more celebrated than James Madison, who stayed at Princeton after his graduation to study Hebrew with the Presbyterian parson and who always credited Witherspoon with profound influence upon him. But tens of others whose names would become associated with the revolutionary war and nation-building—think only of Aaron Burr—were Princeton's sons under Witherspoon, and he later affected the thinking even of the redoubtable Hamilton.

While turning Princeton into the center of Scottish learning in the colonies, Witherspoon also made it the most national of the late colonial and early national colleges. (In fact, it appears that he coined the term "Americanism.") Princeton matriculated students from Massachusetts to Georgia, and if one didn't fall directly under the president's influence (hard to avoid, since he taught the college's capstone course in moral philosophy), one surely breathed in the nationalizing, civic, faith-filled air of the place. That so many of its late 18th-century graduates joined and steered the nation's new course is testament to Witherspoon's permeating spirit.

Other clerics and college presidents were content to cheer the troops of independence or preach about politics from the sidelines. Not Witherspoon. He was scarcely off the ship before he launched into active involvement in the nascent American cause. It's not clear from Morrison's account whether Witherspoon's involvement, earlier than that of most native-born colonists, was due to a Scot's suspicion of English influence in the United Kingdom, the long tradition of Protestant resistance to overweening power, a Presbyterian's discontent with the Anglican state, a proto-republican's frustration with monarchy, or simply unerring political whiskers that trembled to every political breeze. Probably all of these.

Whatever the case, it's hard to see how Witherspoon managed to run a college so well and teach a course of such influence in the midst of his unceasing and ardent patriotic actions. He served in New Jersey's colonial legislature and, later, the state assembly, in the Continental and Confederation congresses, and in the New Jersey convention that ratified the Constitution. He signed the Declaration of Independence (the sole pastor and college president to do so) and the Articles of Confederation.

Why not the Constitution, too? Because at the very time so many of his friends and associates were gathered in secret conclave elsewhere in Philadelphia, he was in that city to write the constitution of the Presbyterian Church that boldly altered some provi-

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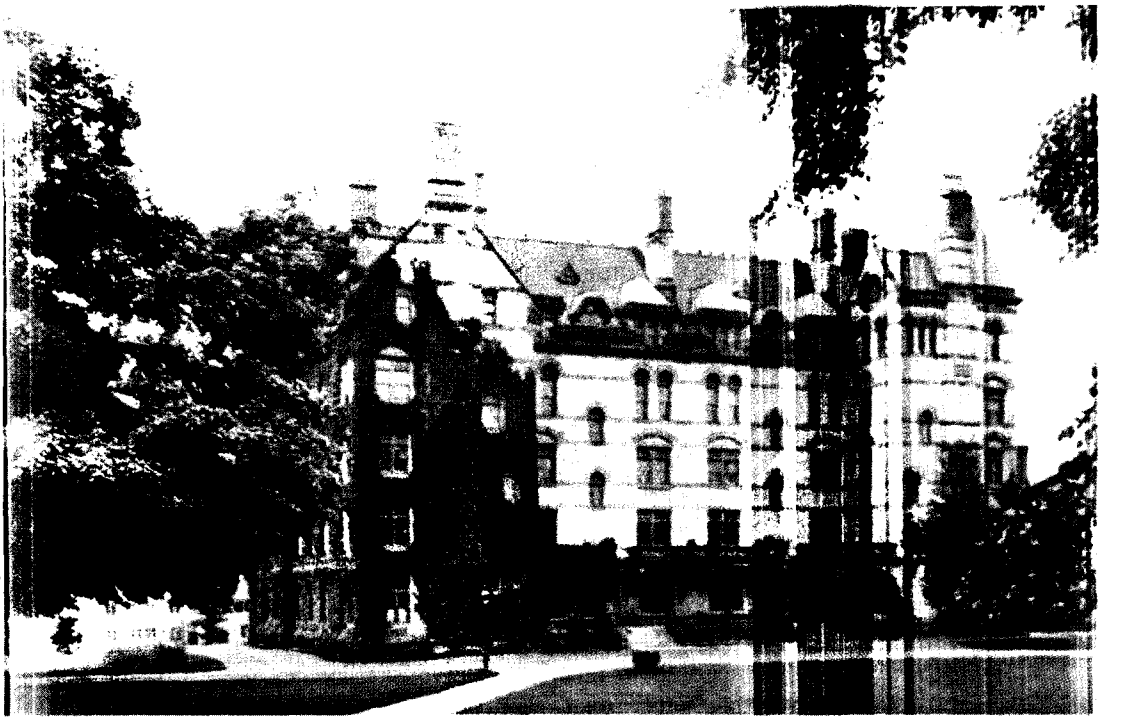
sions of the 1647 Westminster Confession of Faith. Otherwise, no doubt, he would also have been a Framer alongside his former student Madison. It's difficult to find another figure of the day whose thumbprints are to be found on so many large and enduring endeavors.

In part because so little can be learned of the personal dimensions of Witherspoon's life, Morrison focuses his attention upon Witherspoon's thinking, especially his political thought, so much of it rooted in his Presbyterian convictions. For Witherspoon, religion, even if deeply held like his own, was instrumental, and clerics were the instrument that applied and interpreted it.



Corbis / Lake County Musuem

Witherspoon Hall, Princeton, 1903

"When the manners of a nation are pure, when true religion and internal principles maintain their vigor," he argued, "the attempts of the most powerful enemies to oppress [a people] are commonly baffled and disappointed." Moreover, he wrote in 1782, "by the influence of [clerics'] religious government, their people may be the more religious citizens, and the more useful members of society."

Witherspoon promoted a kind of generalized, nonsectarian Christianity, his emphasis upon practice more than faith, and he sharply criticized sectarian distinctions as detracting from the unity and comity of spirit necessary to the governance and tranquility of a federal republic.

"I do not wish you to oppose anybody's religion," he once preached, "but everybody's wickedness." Since "civil liberty cannot be long preserved without virtue," he argued, true religion is a guarantor of the integrity, happiness, and constitutional strength of the union. His was a capacious, tolerant species of worship and belief. In these respects, Morrison rightly concludes, Witherspoon was "swimming in the mainstream of 18th-century American political thought." One might add that his Common Sense philosophy had become part of that mainstream and had unacknowledged influence on others. After all, Jefferson once explained away the distinctiveness of his statements in the Declaration of Independence as "the common sense of the matter."

Perhaps nothing better reveals Witherspoon's unerring adopted Americanness than his reputation among contemporaries. Had his convictions not reflected the Christian republicanism of most others, he would have been neither as widely known and influential nor as universally liked and respected, and his sermons and political tracts would never have been so broadly circulated and read. Given the fact that he was a devout Reformed Calvinist, and a cleric at that, this is all the more noteworthy.

It's easy to forget that, at the very birth of the nation, many Americans, none more so than some of the most celebrated Founders, deeply distrusted clerics, if not religion itself. John Adams thought men of the cloth "as dangerous to liberty as the army." Jefferson believed them to be "a very formidable enemy against the civil and religious rights of man." Such views made little difference to Princeton's president. He insisted on wearing his clerical garb while serving in the Continental Congress, and he deplored provisions of state constitutions that forbade clerical service in government. Yet no one held any of this deeply against him.

He was also a constitutional unionist. No one surpassed this dominie in ardent nationalism and, after the Constitution was adopted in Philadelphia in 1787, support of the new frame of government. So deep were Witherspoon's convictions about federalism, nationalism, and representative government that (as Morrison astutely points out) the constitution of his Presbyterian Church that flowed from his pen that same year bears many commonalities with the federal constitution being created just down the street—about which, because of the secrecy in which it was written, Witherspoon knew nothing. This is just another indication of the immigrant Scot's absorption of fundamental American ways of thinking about government.

Morrison's book, though written with unusual fluency and engagement, won't appeal to everyone. A political scientist, he doesn't write in literary cadences, and his subject's words can't please us as do the grand rhetorical flourishes of Jefferson, the fervor of Adams, or the brilliance of Hamilton. They're similar to Madison's drier, yet profounder, prose: great weight but little song. What's more, Morrison the scholar is at pains to place Witherspoon's life and works within the recent historiography of the political

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and constitutional developments of the early nation. That's important for anyone wishing to grasp the cleric's true and great significance in the nation's early years. But it doesn't guarantee a large audience for the book, or a new following for the man who is its focus.

And so while Morrison makes a strong, and entirely convincing, case for Witherspoon's neglected importance, the pastor is likely to remain in the shadows of his greater contemporaries. Part of the reason is that he didn't join with the bite and edge of so many of his contemporaries in the great ideological and political fights of his day but was, instead, content always to take the middle, quieter road. Whether he would have done battle with others had he lived beyond 1794, just as the bitterest partisan warfare in the nation's history broke out, can't be guessed with any confidence. But part of the reason for Witherspoon's comparative neglect is that while we associate him with the world-historical developments of his day—forming a nation, creating a republican constitution, establishing a new American church—we can't associate him with a particular partisan ideology or expression of faith.

Instead, he was a kind of grand generalist, joining and promoting, but not initiating, just about every major endeavor of his times. Like Jefferson, he steered his bark "with Hope in the head, leaving Fear astern." Like all his great contemporaries, Witherspoon was deeply engaged in the realities of his own day and rarely looked back. If he sought inspiration in his forebears in church and statecraft, he wasn't hawsered to the past, or to an earlier version of anything, but instead wrestled vigorously with his own time's complex problems, and differed from many of the other great figures of the moral tradition, yet endeavored to join his contemporaries in what the Founders thought to be the greatest of all endeavors: the creation and governance of a state.

That should be enough to earn him, as Morrison hopes, an honored and more widely acknowledged place in our history and memory. ♦

Straight, No Chaser

What musicians talk about between gigs.

BY TED GIOIA

When I was starting out as a jazz musician, I was often amazed by the sheer number of jokes, stories, and anecdotes that the older players knew. Then again, these were professionals who had enjoyed many opportunities to refine their storytelling craft. The sad truth is that much of a jazz musician's career is spent killing time.

Perhaps a disgruntled soldier really invented the phrase "hurry up and wait" to describe army life. But I am half convinced that a member of Buddy Bolden's band came up with the witticism a few days after jazz was invented in New Orleans. No, I'm not just talking about the musicians who wait by the phone for the lucky break that will boost them to fame (although I'm sure some of that happens). But even the most successful musician spends much of the work day on hold: Waiting for the sound check, or for the gig to start; unwinding during intermission or on breaks; trying to keep focused and loose at marathon recording sessions where hours can go by without a single note being played; or waiting for the plane or bus to the next city on the road trip.

Jazz Anecdotes
by Bill Crow
Oxford, 368 pp., $17.95

In such an environment, musicians often become storytellers, spinning yarns to while away the passing hours. They are often quite good at it. Once in a while, a jazz musician actually becomes a professional comedian. Jack Sheldon, a stand-out West Coast trumpeter, starred in his own sitcom for a spell, and his nightclub performances are as much shtick as swing. Saxophonist Paul Desmond (best known as a member of the Dave Brubeck Quartet) once published a hilarious piece in *Punch* that convinced many that he might have pursued a successful career as a humor writer. And other musicians, from Fats Waller to Louis Prima, added so much comedy to their musical shows that they drew large audiences who would never have sat still for Miles or Monk.

Yet even the soft-spoken musicians seem to have a plethora of tales at their disposal. I recall producing a recording session with vibraphonist Bobby Hutcherson, who stayed around long after the engineer and other players had left, regaling me with nonstop repartee and jokes. There are as many jazz storytellers, it seems, as there are listings in the musician's union directory.

But the king of the jazz raconteurs is, without a doubt, bassist Bill Crow. Crow has seen more than his fair share of the jazz life, having performed with many of the leading players in jazz going back to the 1950s. But since 1983, he has developed a second career collecting jazz anecdotes for a monthly column in *Allegro*, the publication of Local 802 of the American Federation of Musicians. In 1990, he published a collection of these stories under the title *Jazz Anecdotes*. But he has continued to fill his monthly column with tales during the intervening 15 years, and the time has come for a revised and expanded edition.

Even knowledgeable jazz fans will gain new insight into some of the legendary figures of jazz from these stories. Crow includes one of my favorite

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anecdotes about a recording session led by Jelly Roll Morton, who was a stickler about how his music should be played: "Zue Robertson was on trombone, and he refused to play the melody of one of the tunes the way Morton wanted it played. Jelly took a big pistol out of his pocket and put it on the piano, and Robertson played the music note for note." Those trendy critics who deny that a work of art reveals the artist's intent clearly should talk to Zue!

Elsewhere, Crow tells us of an aging Benny Goodman trying to impress a young lady sitting next to him on a plane: "Getting little response from her, Benny said, 'I guess you don't know who I am. I'm the King of Swing.' The young lady looked at him and asked, 'What's swing?'"

Yet some of the best stories involve the plights of the more obscure artists who never enjoyed the fame of a Morton or Goodman. I delighted in bandleader Red Clemson's response to the patron who asked if his band knew anything slow: "How about January or February?" Elsewhere, Crow tells of a group of seasoned jazz musicians demonstrating their craft to a group of student musicians at a New Jersey school. The teacher wanted to impress the students with the fact that the jazz players could improvise without written music in front of them.

"Now what is it that we have in our orchestra that none of these musicians has?" One of the kids considered the matter, then offered: "Hair?"

Other stories are harder to believe. Did Billy Bauer really teach blind pianist Lennie Tristano how to drive a car? (Reportedly, Bauer concluded his account of the event with the blasé assessment: "He was a really bad pupil.") Did Lester Young really refuse to play a record date for Count Basie because it took place on the 13th of the month? Did Chet Baker really say, when he was introduced to Mussolini's son (jazz pianist Romano Mussolini), "Oh, yeah, man, it was a drag about your dad"? I certainly hope that all of these stories are true, but I have my doubts.

For my part, I might be convinced that legendary bandleader Fate Marable fired musicians by threatening them with an axe—a real-life "getting the axe," as Crow points out. But Crow also insists that the band would play "There'll Be Some Changes Made" during these ritual dismissals—which makes the story sound perhaps too good to be true. But I'm not complaining. Like Zen stories or Texas tall tales, these jazz anecdotes have an enduring value that transcends questions about their historical accuracy. They capture the spirit of the jazz life, even if the details themselves sometimes seem overly dramatized.

Corbis

Jelly Roll Morton

And some of these accounts are hardly meant to be believed, but are merely passed on in the sheer spirit of playfulness. Such is the tale of the jazz fan walking into a London nightclub during a song and asking a bar patron about the piece being played on stage.

"W.C. Handy?" he inquires.

"Sure, it's just outside, to the left of the stairway."

My favorite story here tells of the portly clarinetist Irving Fazola getting stuck in a chair at Horn & Hardart's Automat restaurant before an important concert. Bandleader Al Rose rushes to the scene to find his soloist jammed tight in a seat, incapable of dislodging himself after having eaten 36 hamburgers. Despite the efforts of the manager and two strong busboys, Fazola could not be pried lose.

Rose continues the story: "So two ambulance attendants, the two busboys, the manager, and I carefully loaded him, *with* the chair, into the ambulance, down to the Academy of Music, and unloaded him carefully right at center stage of the auditorium. . . . During the first half of the concert, Faz kept his seat—playing magnificently, but not standing for his solos, as was customary."

Ah, but the story continues. At intermission, the clarinetist was pulled loose and completed the concert with aplomb—although afterwards he insisted on celebrating by (you guessed it) going out for hamburgers.

Certainly this is an odd little book, but it has earned its place on the bookshelves of jazz lovers. I am reminded of Slonimsky's *Lexicon of Musical Invective*, which became a classic simply by collecting several hundred pages of snide critical putdowns. Crow has done something similar here. *Jazz Anecdotes* is the next best thing to hanging out with the band after the gig. ♦

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Semper Fighting

When the going gets tough, the Marines get the assignment. BY THEODORE L. GATCHEL

Most people hold strong opinions about the United States Marine Corps. That can be both good news and bad news for anyone writing on the subject. The good news is that there seems to be a virtually inexhaustible market for books about the Marine Corps. The bad news is that any approach the author takes will inevitably run afoul of many readers' views.

American Spartans
The U.S. Marines: A Combat History from Iwo Jima to Iraq
by James A. Warren
Free Press, 384 pp., $26

For similar reasons, writing an objective review of *American Spartans* is also a challenging assignment, particularly for someone whose career spanned roughly half the period covered by the book, and who served with many of the characters described in the narrative.

Having revealed my potential bias, I must first give James Warren credit for staying true to his theme of likening U.S. Marines to the ancient Spartans. The dictionary gives several meanings for the term Spartan, including self-disciplined, frugal, and courageous in the face of pain, danger, or adversity. *American Spartans* uses selected battles and campaigns to illustrate how those same Spartan qualities have characterized the modern Marine Corps. The account is largely favorable, but the author does not gloss over details such as racial incidents, drug use, and other discipline problems that plagued the Corps in the aftermath of the Vietnam war, a period the author calls the "abyss."

For a short work, the author does a good job of covering not only the Marines' well-known combat record, but the administrative battles as well, such as the fight following World War II to retain a viable Marine Corps in the face of efforts by President Harry Truman to relegate the Marines to a largely ceremonial role. One of the book's few serious omissions involves its treatment of the end of the Vietnam war.

Although the author mentions that Marines remained in Vietnam as advisers to the Vietnamese Marine Corps after U.S. Marine combat units departed in 1971, he largely ignores the contribution of the advisory effort to the war in general. As a result, he jumps directly from the departure of the last American combat units in 1973 to the final North Vietnamese offensive in the spring of 1975 that ended the war with a decisive Communist victory.

Also missing from this account is any description of the North Vietnamese "Easter Offensive" of 1972 in which Vietnamese Marines, assisted by U.S. Marine advisers, played a major role in defeating the North Vietnamese attack.

While emphasizing the combat prowess of Marines, *American Spartans* does not neglect other qualities that have characterized the modern Marine Corps. One is the Spartan quality of frugality. Marines take great pride in their ability to provide a disproportionate amount of the nation's combat power for the portion of the defense budget that they receive.

Another characteristic that the author discusses is that of innovation. Given the image that most Americans have of Marines, many are surprised to learn that the Corps has been the driving force behind many important developments in modern warfare, such as amphibious operations, close air support, helicopter operations, maritime prepositioning, and counterinsurgency doctrine. Warren not only covers those innovations, but also ties them into his Spartan thesis by noting that "the U.S. Marine Corps, because it is the smallest service and because it has always had to fight for its place at the table, has been better at adapting than its sister services."

Another positive aspect of *American Spartans* is its maps: Each chapter has at least one, and although the scale of the maps is not always adequate to allow the reader to follow the battles described in detail, the map coverage is better than in many military books being published today.

Although Warren has done a good job of dealing with the broad scope of Marine Corps history since Iwo Jima in a balanced way, his grasp of the details leaves a lot to be desired. Throughout the book there are a significant number of generally minor, but annoying, errors. Many are technical in nature, and often involve weapons. His very first sentence provides an example: "The tranquil silence of a Pacific Ocean dawn is shattered by the percussion of the big guns of a huge American naval armada—battleships, cruisers, destroyers—joined by a host of LSTs (Landing Ships, Tank) that had been converted to rocket- and mortar-firing gunboats."

The LST was one of the great amphibious innovations of World War II and a genuine workhorse during that conflict. Sixty-three LSTs took part in the landing at Iwo Jima, but not in the role described above. The mortar and rocket craft employed there were smaller landing craft, LCS (L), Landing Craft Support (Large), a British innovation, and LCI (R) and LCI (M), rocket and mortar craft that had been converted from Landing

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Craft, Infantry (LCI).

Another example of this type of error is taken from the author's description of the breakout of the 1st Marine Division from the Chosin Reservoir during the Korean war. In describing the actions of a Marine artillery unit in repelling a Chinese attack, Warren notes that "the unit's howitzers were used as direct-fire weapons, blasting flachette [*sic*] rounds at Chinese soldiers as close as forty yards away." The official Marine history of the Chosin Reservoir operation describes this incident, but doesn't tell what type of ammunition was used. Other accounts mention white phosphorous, high explosive, antitank, and even star clusters.

One thing is certain, however: They didn't use flechette rounds. That type of ammunition, containing thousands of small, dart-like flechettes, was developed by the Army in the late 1950s and was not employed in combat until 1966 in Vietnam.

Other errors involve the interpretation of facts, such as the assertion that "the Marines attributed the failure of the British at Gallipoli largely to the lack of an amphibious vehicle that could cross from sea to shore and keep moving inland, thereby reducing congestion of the beach and keeping a steady flow of supplies to the front lines."

Bettmann/Corbis

U.S. Marines in Korea, 1950

The problems that caused the British and French to fail at Gallipoli ranged from the strategic to the tactical level, and covered almost all aspects of amphibious warfare. Between the two world wars, the Marine Corps studied Gallipoli in great detail, with the objective of solving the problems that caused many military experts to conclude that modern weapons had made opposed landings too costly to be feasible.

The idea that the failure at Gallipoli could be attributed "largely" to the lack of an amphibian landing vehicle is an odd one. In describing the development of amphibious warfare between the wars, Warren mentions two manuals that resulted directly from the study of Gallipoli, *The Tentative Manual for Landing Operations* and *Landing Operations Doctrine, United States Navy*. Both of those discuss the use of landing boats in detail, but neither even mentions the idea of an amphibian vehicle that could operate on land as well as in the water. Unfortunately, no indication is given of the source for this assertion.

Many readers will probably consider such criticism to be overly technical nit-picking. If the errors were limited to the ones I have described, I would agree. Unfortunately, the errors are numerous enough to indicate a superficial knowledge of the material and a lack of rigorous research. The general reader who is looking for a popular history that accurately captures the essence of the U.S. Marine Corps will find that *American Spartans* fits that bill. Knowledgeable students of military history should look elsewhere. ♦

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Merce Cunningham

At 86, he is still reinventing modern dance.

BY ROBERT GRESKOVIC

This past summer, as part of Lincoln Center Festival, 86-year-old master choreographer and onetime virtuoso dancer Merce Cunningham glided into one of the Center's social rooms to be the subject of a festival symposium.

Dressed in a sedate grey, pinstriped suit, with an open-collared shirt and *Risky Business* Ray-Ban sunglasses, the white-haired, iconoclastic dancemaker was attended by a statuesque woman dressed in a white nurse's uniform who swanned Cunningham's wheelchair to the front of the room. Now arthritic, and thus unable to remain standing for long or to walk with ease, Cunningham remains chipper of spirit. Looking like some elder statesman of a leprechaun, Cunningham took his place as the gathering's center of attention with easy aplomb.

Of course, he was greeted with applause from the audience. One longtime follower of his career, who travels near and far to see his company, assured me the shades were familiar, and even necessary, in places like France, where the dancemaker has long been popular with a part of the French public as a visionary innovator, and where he's often set upon in airports, and other places, as a celebrity.

Elliott Forrest, something of a fixture in New York's culture chat circuit, provided the hour-long session with a modicum of interviewer's questions as Cunningham shot the breeze about his career, nearly 50 years long as a dancer, with more than 60 years' longevity as a choreographer. For all the theorizing that often surrounds Cunningham and his nontraditional work—some of it highfalutin and opaque in the ways of gobbledegook artspeak and "dance theory" writing—the man himself remains soothingly plain-spoken and straightforward.

The purpose of his presence at this year's festival was to oversee the presentation of *Ocean*, the 1994, 90-minute, 14-dancer work that began life as the brainchild of John Cage, Cunningham's longtime artistic collaborator and, until his death in 1992, life-partner. Cage had, in Cunningham's telling, the germ of an idea to present a water-inspired dance in the round, literally on a circular performing area, with an audience seated around the perimeter of the circular stage and a ring of musicians seated around the public. Apparently his inspiration came from James Joyce and the assertion by Joseph Campbell that if Joyce had lived to write another work, it would have been about water and the ocean.

Cunningham and company have previously been part of Lincoln Center Festival, which celebrates its 10th anniversary this year. In fact, *Ocean* was first given in the New York area under the festival's auspices during its inaugural year in 1996. At that time it was shown in the Center's open-air, outdoor venue in Damrosch Park. This time, it was presented indoors, in Rose Theater of Frederick P. Rose Hall, the center's fairly new jazz theater complex.

With nearly 200 works to Cunningham's credit so far—including a number of specially arranged, or composed, works for camera on film and video—*Ocean* represents a drop in the bucket, so to speak, when looking at the choreographer's full catalogue of dances. Still, it was this particular work that the choreographer himself chose to be performed at Lincoln Center Festival when he was invited to participate again this year. Whether or not the grandly scaled work ranks high in the estimation of Cunningham's public as a favorite, or a masterpiece of its kind, becomes a matter of opinion and choice.

Critic Arlene Croce once said that her favorite Balanchine ballet was the one being shown at the moment. Cunningham's output has been consistently original and remarkable enough for me to borrow Croce's suggestion, and feel comfortable applying it to Cunningham.

To my eyes, however, after watching and mostly marveling at Cunningham's dances since 1970, *Ocean* stands somewhere beneath the top of my list of highlights. Though Cunningham notes the choreography took him six months to create, and, to be sure, the finished result possesses undeniably grand scale (112 musicians ring the audience ringing the dance floor) and ambitious scope—entrances for the 90-minute dance intended to steer clear of an expected, frontal point of view all happen by way of what amount to the four points of a compass—I find the artful activity yielding less pleasure visually and theatrically than I've come to expect from Cunningham creations at their finest.

Chatting at the symposium about his way of working and creating dances over the years, Cunningham, who dates his personal choreographic career from a 1944 performance given as a dual concert with music by Cage, noted Cage's description of their working relationship: "Merce does his thing; I do mine. And, for your convenience, we put it together." (In a similar vein, when once pressed to spell out in personal terms the two men's relationship offstage over the years, Cunningham stated: "Well, John does the cooking and I do the dishes.")

Cunningham met Cage, who was seven years older, when the musician served as the 20-year-old dancer's music teacher in 1939 at the Cornish School (now the Cornish Institute of

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Allied Arts) in Seattle. Experimentation was long Cage's area of interest, and when the two both ended up in New York, where Cunningham had moved to dance with Martha Graham, they soon collaborated on projects, often with Cage in his teacherly mode, suggesting ways to experiment with the allied arts of music and dance.

The Cunningham archivist and dance writer David Vaughan notes in the *International Encyclopedia of Dance* that, "instead of choreographing movement to existing music, as was done in ballet, or composing music to follow the counts of a dance made in silence, as was often done in modern dance, Cunningham and Cage . . . worked within a common rhythmic structure; dance and music came together at certain specific points but they otherwise pursued independent existences."

By the 1950s, after both developed an interest in Zen Buddhism and Eastern philosophies and art, the idea of "chance procedures" entered the mix of both men's creative process. In Cunningham's case, this method of working was utilized variously to determine such aspects of a dance composition or individual performance as duration of time (for a phrase, or a particular segment), order of individual segments, and choice of direction (for an entrance or exit, or for which way the dancer or the dancing might face at a specific moment).

It should be emphasized that none of these "chance" elements ever pervades the performance itself as a kind of improvisational element. Cunningham's use of chance by way of tossing coins or consulting the *I Ching* became a part of his process of composition, a way for him to build a choreographic work without depending solely, or even at all, on his own intuition or habits. Essentially, then, it's a behind-the-scenes process of selection, not an anything-can-happen "logic" pertaining to individual performances of individual dances.

Cunningham's dances all have a genial, comfortable structure about them, a kind of humaneness that breathes through the natural manner of his dancers and their unaffected expressions of calm confidence, sometimes evident in the utterly unselfconscious, fleeting smiles. Though the choreography's structuring, patterning, and particular moves might have been arrived at by chance along the way, the formal presentation and their repeated performances exude the glow of order, control, and even a sense of momentary inevitability.

When you see a Cunningham dance for a second or third time, you relive the dance experience you had previously, give or take the variance in your own world and mood, and the possible flexible variants built into the dance's overall shape. Cunningham's lithely built male and female dancers are remarkably fleet, unaffected, and expert athletes whose contemporary look grounds the activity in a natural world.

Though the choreographer's equal part in collaboration with the individual composers and designers chosen for each separate work gives his fellow creators their own freedom and individuality to (as Cage would have it) "do their thing," Cunningham does have a say in matters if some design or music notion proves unworkable to the dance and the dancing.

Speaking once to me about a designer's intention to include panels for décor and related, loose panel elements on the dancers' costumes, Cunningham noted that the inevitability of such details flapping around obtrusively made him "very nervous," thus forewarning his designer about a possible, eventual need for adjustments. In

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Corbis / Charles E. Rotkin

Merce Cunningham with partner, 1957

another interview he also stressed that this idea of independence, of the visual and sound creators working on their own—separate from one another and from the choreographer himself as he created his dance—did not mean that he was trying to keep things a mystery, or secret.

"If they have questions," he noted with regard to the music and design people working on a particular dance for him, "I try to answer them. I'm not trying to hide anything."

Similarly, he stressed to me at one point that he was in no way trying to shock as an artist. I don't think that I've yet seen a Merce Cunningham Dance Company performance where some element of the audience didn't walk out before the final curtain. Sometimes such walk-outs are sheepish, or harrumphing, or just weary. But whatever the motivation, I cannot imagine Cunningham's being pleased that he sent any one of them packing. After stating an unhesitating "no" to the notion of looking to shock, he added that he liked what Cage once said about such people: "I'm out to bring poetry into their lives."

So why, I asked myself, having found the poetics of much of Cunningham's repertory so stirring and eye-filling over the past 35 years, or so, put *Ocean* somehow short of the summit of his most impressive achievements? I'd give a lot to see again, to give but one gloriously memorable example, *Roaratorio*, a 16-dancer work loosely based by way of Cage's Irish-music, Joyce-connected score, and Cunningham's explorations of jigs and reels, and which I saw just about every performance of when Cunningham's Company presented the hour-long work at the Brooklyn Academy of Music in 1986.

I can still recollect the limpid colors of Mark Lancaster's casual-clothes designs, the shimmering patter of Cage's word-collage score mixed with the drumming of some Irish percussionists, and the compelling, easygoing concentration of moves and ravishingly arranged groupings of dancers. The dance's grand but easy design seemed, during its 60-minute duration, to pass incrementally from one wing of the stage to the other, with worlds of divergence in-between.

Ocean, I found, both here and in 1996, to be more intellectually impressive than visually and theatrically thrilling. Maybe it's the "lack of front," which, given the scheme of a circular performing area, Cunningham has spoken of as being so challenging and unusual as a way to plan his dancers' moves, positions, and groups. Maybe it's the large space needed to accommodate the dance, the encircling audience, and the further encircling musicians. Maybe it's the disorientation it presents, literally throwing a curve, as the "surround" viewing experience becomes so different from the expected, frontal-focus point of view. Maybe it's the complexity involved in the actual choreographic activity, based on 128 movement sequences suggested by double the *I Ching*'s favored number of 64, because of the length of time predetermined early in the work's conception on a 90-minute duration.

Actual digital timing screens tick off the seconds along the way. These timers are placed where the dancers and the musicians can all use them to get their respective bearings (the Cagean score by Andrew Culver has no conductor) and where the audience can tell how far into, or out of, the "ocean" of dancing it's come. (To be sure, both performances of *Ocean* I attended in this run included walk-outs, usually from the one-hour point onward.)

In sum, I missed something magisterial in the grand scheme of *Ocean*, and something personal in the participation of the dancers. In this large-scale arena, wearing Marcia Skinner's tropical-fish-colored body tights, and under the lighting of Aaron Copp, they all seemed more anonymous than individually distinct as male and female artists delineating a Cunningham dance.

Since he stopped performing on stage in the mid-1990s—his own words describing his participation in *Enter*, a 1992 dance, go like this: "I stand still in one part; and in the other I try to move"—Cunningham only now comes onstage, haltingly, for curtain calls. In the case of *Ocean* at the Rose Theater, he kept his eye on his dancers and the digital counters from a box positioned at one arc of the stage's edge. I kept sneaking a peek at the sphinx-like "watchman" as he followed the paces he had so carefully arranged for his company to go through. When he finally stood up, with some difficulty, to take his bow alongside Culver, he was given excited cheers. He reminded me of an emperor, a czar, and the ovation treated the nodding, white-haired dignitary accordingly.

I suspect, even to those who rated *Ocean* more highly than I did, that the vocal approval was directed more at the man than the work itself. And why not? Merce Cunningham has been sailing the high seas of high art for a good long time, on a steady though hardly well-trafficked course. And the poetics he has stirred up are some of this, and the last century's, most memorable. ♦

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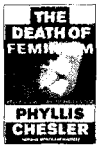
Books in Brief



***The Death of Feminism* by Phyllis Chesler (Palgrave Macmillan, 256 pp., $24.95).** Maureen Dowd's recent piece in the *New York Times* heralds feminism's retreat in the face of modern sexual politics. Dowd bemoans the return of quaint pre-feminist rituals such as letting men pay for dinner, women taking their husband's last name, and playing hard-to-get while romping around the dating scene. This, according to a defeated Dowd, is the death of feminism.

Those feeling sorry for Dowd and her perishing feminist philosophy should grab a copy of Phyllis Chesler's new book. Chesler doesn't read feminism its last rites because successful women can't seem to find a date, nor does she waste time lamenting the latest trend in *Cosmo* covers. Rather, it is precisely Dowd's kind of insipid commentary on modern feminism that causes a legitimate feminist like Phyllis Chesler to sound the movement's death knell. To her, Dowd's commentary on contemporary feminism is akin to Nero fiddling while Rome burns.

In *The Death of Feminism*, Chesler, a long-time feminist with impeccable credentials, indicts the feminist establishment for swapping its soul for a cushy spot in the far left wing of the Democratic party. This backroom political alliance comes at the expense of abandoning women the world over—especially those currently subjected to the horrors of Islamofacism and Islamic gender apartheid.

Chesler takes great personal and professional risk to expose how blind partisanship has corrupted the feminist movement to the point of ignoring the plight of women in the Middle East. Under the guise of tolerance for cultural custom, gruesome accounts of woman being hanged, raped, enslaved, stoned to death, and otherwise degraded in the name of Islam are receiving nothing more than a collective "not my problem" from rank-and-file feminists. Chesler answers this obdurate disregard with a rallying cry:

> Western feminists cannot turn their backs on the plight of [Islamic] women. Our vision of freedom for women must become part of American foreign policy. We must work with our government and with our international allies on this, because it is one of the most important feminist priorities of the twenty-first century.

Chesler's views were not cultivated within a Western vacuum. In the most compelling section of the book, she describes her time in Afghanistan as a young bride to an Afghan-born Muslim educated in the United States. Her newlywed adventure to Afghanistan quickly degenerates into captivity as her husband, spurred by his traditional Afghan family, regresses into fits of misogyny and dominance so malignant that his young wife is forced to flee the country, gravely ill and concealing a pregnancy that would prevent her leaving, thereby signing her death warrant.

The Death of Feminism is a clarion call to those feminists who believe George W. Bush is a greater threat to women than Islamic fundamentalism. It also shames (or would, had they any sense of shame) women like Maureen Dowd, who think feminism's successes and failures hinge on whether American women prefer to be addressed as Mrs. or Ms. Such nonsense should no longer occupy the minds of serious feminists. It is the brave but ravaged women of the Islamic world to whom they should now turn their attention, their energies, and their anger.

—Sarah Longwell

***We're in Trouble: Stories* by Christopher Coake (Harcourt, 320 pp., $23).** The heartpounding jubilation of true love and the dark despair that comes with death represent the two poles of human emotion. The strength of these emotions, indeed, has made their interplay a fruitful subject for English-language authors since the time of Chaucer and Langland.

In his new collection of nine thematically unified short stories, Christopher Coake returns to this well-trodden theme of the interplay between love and death and, in so doing, manifests a talent that places him among the top new formalist prose authors working today.

Coake, who teaches at the University of Nevada-Reno, weaves together a collection of stories that's lucid, stimulating, occasionally funny, and often unbearably sad. Two stories stand out: a brief, heart-wrenching gem-like story of terminal illness in "We've Come to This," and the creepy, thought provoking novella-length "Abandon," about a romantic weekend gone horribly wrong. The atmospheric dread of "Abandon," indeed, marks Coake as a potential horror writer equal to Stephen King and H.P. Lovecraft at their best. Only one story, "Solos," misses the mark: The tale of a mountain climber's wife in Slovenia bogs down in local color and empty musing.

Two other stories—the murder mystery "All Through the House" (which unfolds in reverse chronological order) and the road tale "Cross Country" (which simultaneously unspools two narrative threads)—are enormously admirable technical achievements, although perhaps lacking in the pure emotional punch of the collection's best stories.

And, in any case, Coake's prose is always elegant and memorable: Even when his stories send a reader into the depths of emotional despair, one feels compelled to continue along for the ride.

—Joseph Light

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Parody

"No other country in Europe immolates cars with the gusto and single-minded efficiency of France. Even during tranquil periods, an average of 80 vehicles per day are set alight somewhere in the country. . . .'Burning cars is rather typically French,' said Michel Wieviorka, a French sociologist who has studied the phenomenon."

***—New York Times*, November 13**

FOLKWAYS OF NORTHERN ITALY • Prof. Aldo Semolina

gives way to autumn. In the heart of the Po Valley, near Cremona, the end of the spaghetti harvest should be a joyous time for the hearty peasants who toil from dawn to the torrid mid-afternoon to pull the ripened strands from the trees and place them in baskets. Yet instead of celebrating, on weekends, they assemble en masse in the square in front of the basilica to scourge themselves with pasta while a priest intones prayers. If the harvest is plentiful, according to local belief, God is been generous, and the farmers whip themselves insensibl with linguine, fusilli, and rotini to ward off tem and the sin of pride. Village childr and encircle the town's ng do

THE CANADIAN MYSTIQUE

The Canadian sense of propriety is infrequently disturbed, but when it is, the outward signs and signals are seldom obvious to the visitor. Especially in the Maritime Provinces, at certain times of the year, the Canadian style of anarchy explodes in episodes of drivers deliberately neglecting to fasten seat belts, waitresses rushing through recitations of the daily specials, gentlemen sporting brown shoes while wearing blue pinstriped suits, and correspondents affixing their postage stamps upside-down on envelopes.

officialdom, though members of the Royal been known to roll their eyes when motorists

GUIDE TO HISTORIC SCOTLAND

By Hamish MacDougall

It was Tacitus who first observed the "jovial cruelty" of residents of the border Scots villages toward young women suspected of sexual impropriety. Virginity was a prized commodity among prospective Lowland brides, and young women under suspicion would find themselves surrounded by villagers in the marketplace, and pursued through the lanes and ditches until captured, doused with fetid water, and ritually smeared with the distinctive Scots concoction of oatmeal, sheep's stomach, liver, and onions called Haggis. Centuries later, even so refined a sensibility as Roberts Burns's would choose to celebrate this ritual of female humiliation: *I shall say na comelier men'ry till I'm dead/Of a stray bonnie lassie with a Haggis on her head!*

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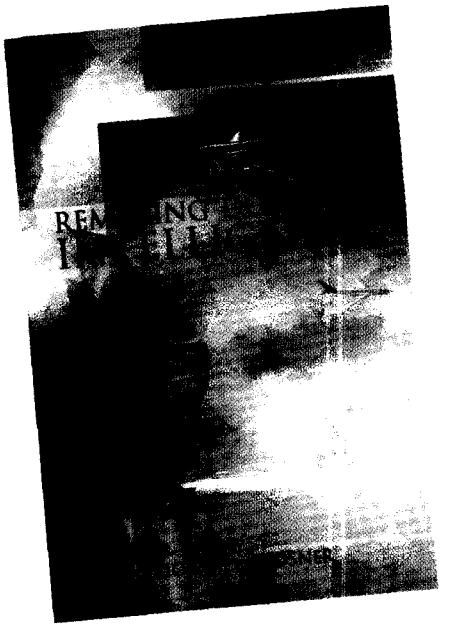
Critical Readings on Domestic Intelligence



Remaking Domestic Intelligence

RICHARD POSNER

In this important new book, Richard Posner reveals the dangerous weaknesses undermining domestic intelligence in the United States: domestic intelligence today is undermanned, uncoordinated, technologically challenged, and dominated by an agency that is structurally unsuited to play the central role in national security intelligence. To counter these issues, Posner proposes creating a new domestic intelligence agency.

Richard A. Posner is a judge on the U.S. Court of Appeals for the Seventh Circuit and a senior lecturer at the University of Chicago Law School.

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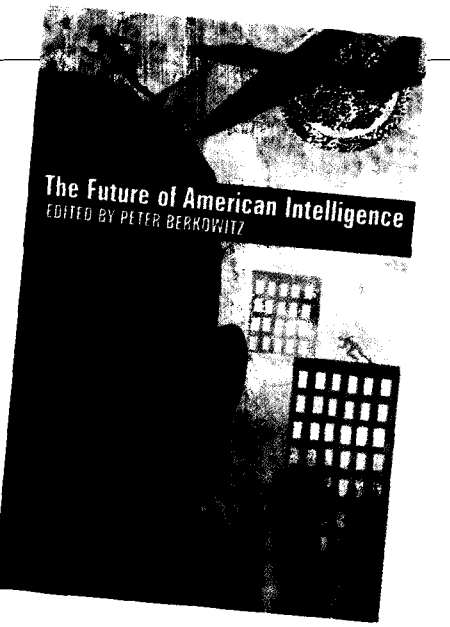

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EDITED BY PETER BERKOWITZ

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Peter Berkowitz is the Tad and Dianne Taube Senior Fellow at the Hoover Institution and associate professor of law at George Mason University.

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